

Wilton E. Stonecypher, Estanollee.
Gordon Hall, Hilton.
Harold Williams, Juliette.
Willie L. Mosely, Lizella.
Charity J. Collis, McCaysville.
Clara L. Browning, Midway.
Olan W. Stubbs, Millhaven.
Leona B. Branch, Millwood.
W. Howard Ballew, Mineralbluff.
Edna M. Brannen, Portal.
Bessie Boatwright, Rayle.
Vera M. Roberts, St. George.
Ida Mae Dekle, Sale City.
Raymond S. Townsend, Wildwood.

HAWAII

Martin D. Dreier, Lihue.

INDIANA

Charles E. McClaine, Advance.
Noah E. Flora, Cutler.
Earl Funk, Dayton.
Mae L. Drake, Fairbanks.
Frances A. Gallimore, Free Com.
Howard G. Carr, Glezen.
Charles Redmon, Hatfield.
Nova Cole, Liberty Center.
Hel'm L. Hilkert, Lucerne.
Jacob O. Chandler, McCordsville.
Bertha Dorton, Matthews.
Ethel Martin, New Market.
John K. Eggers, Reelsville.
V. Ruth Rinehart, Romney.
Susan M. Boecker, St. John.
John M. Loveless, Somerville.
Lawrence Julian, Spurgeon.
Norman S. Hoskinson, Tennyson.
Margaret E. Lewis, Universal.
Joseph J. Bendit, Wyatt.

MISSISSIPPI

James H. Martin, Kokomo.

MONTANA

Elias O. Sorvick, Antelope.
Leaore K. C. Roderick, Outlook.

NEBRASKA

James Adolf Wensien, Brownville.
Carl C. Waterman, Lebanon.
Charles D. Spangler, Murray.
Edith Belle Sweeney, Nemaha.
Frovin Rasmussen, Rockville.

NEW MEXICO

Annie L. Nicholas, Oil Center.

PUERTO RICO

Emilio Hernandez, Aguada.
Feliciana G. Gonzalez, Aguas Buenas.
Carmen Andreu de Torrens, Dorado.
Pedro Alvarez, Guaynabo.
Esther Lacomba, Hatillo.
Angelina Frias, Las Piedras.
Carlota M. V. de Quinones, Luquillo.
Laura B. Lopez, Maricao.
Antonio B. Rivera, Moca.
Angelita Mendez de Rivera, Rincon.
Georgina S. Herrans, Toa Baja.
Gloria Torano, Trujillo Alto.
Dolores Santiago, Villalba.

TENNESSEE

Maude Pack, Delano.
Gene S. Kemp, Difficult.
Charles C. Brook, Eldon.
Alice E. Davis, Elgin.
Lucille B. Johnson, Hampton.
Roy P. Blevins, Shady Valley.
Walter A. Adkins, Winfield.

UTAH

Ivor Clove, Enterprise.

VIRGINIA

Edith S. Willingham, Andover.
Lewis E. Robinette, Blackwater.
Ray L. Barlow, Buckner.
William H. Covington, Burgess Store.
Garnett N. Edwards, Callands.
Theo. T. Cogbill, Chesterfield.
Beulah G. Nolan, Chula.
Josie R. Williams, Cullen.

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Margaret C. Horton, Derby.
Etta Mitchell, Fancy Gap.
Alma R. Ricketts, Flint Hill.
Abram M. Goode, Henry.
Maurice J. Mongle, Holston.
Nora F. Johnson, Hurley.
Henry L. McGlothlin, Jewell Valley.
Bernice Vines, Kents Store.
Edna Y. Smith, McClure.
Marion V. LeMay, Mechanicsville.
John W. Roberts, Meredithville.
R. Clarke Lloyd, Millwood.
Lois N. Blankenship, Moseley.
George Ralph Smith, Penn Laird.
William P. Furniss, Saxis.
Thomas R. Apperson, Selma.
Alice M. Merriman, Spencer.
Agnes P. Gordon, Union Level.
Alva H. Matney, Vansant.
Walter Anglin, Woolwine.

WASHINGTON

Lars Sagen, East Stanwood.

SENATE

THURSDAY, JULY 26, 1945

(Legislative day of Monday, July 9, 1945)

The Senate met in executive session at 11 o'clock a. m., on the expiration of the recess.

The Chaplain, Rev. Frederick Brown Harris, D. D., offered the following prayer:

God of all mankind, our Father, amid the bewilderments of these days of confusion and chaos upon the earth so full of lamentation, mourning, and woe, uncertain and troubled about so many things, we must be sure of Thee else we are lost and undone. The circumstances of our times are so appalling and dismaying that the resources of our souls are utterly inadequate unless Thou replenish them, Thou Shepherd of our pilgrim days, in whose peace our restless spirits are quieted and by whose love our discouraged hearts are reassured.

In this creative hour of human destiny, save us from surrendering to cynicism because of human evil and of being made men of little faith by human folly. Even as we peer upward with soiled face, open our eyes to see a glory in our common life, with all its sordid failures, and in the heart of the whole cosmic scheme, to feel the pull of a resistless power that makes for love and righteousness more constant than the stars. In that faith we come with the crystallized hopes of the nations turning in terror from a future without good will, offering our Nation, not as a chalice of privilege and of pride, but as a channel of mercy and help and healing, that all the ends of the earth may be blessed. In the dear Redeemer's name. Amen.

THE JOURNAL

On request of Mr. HILL, and by unanimous consent, the reading of the Journal of the proceedings of the calendar day Wednesday, July 25, 1945, was dispensed with, and the Journal was approved.

LEGISLATIVE BUSINESS

By unanimous consent, as in legislative session, the following business was transacted:

MISSOURI VALLEY AUTHORITY—CHANGE IN DATE OF HEARINGS

Mr. OVERTON. Mr. President, with respect to the date of September 17, 1945, which has been set for the beginning of hearings before a subcommittee of the Senate Committee on Irrigation and Reclamation on the bill (S. 555) to establish a Missouri Valley Authority to provide for unified water control and resource development on the Missouri River and surrounding region in the interest of the control and prevention of floods, the promotion of navigation and reclamation of the public lands, the promotion of family-type farming, the development of the recreational possibilities and the promotion of the general welfare of the area, the strengthening of the national defense, and for other purposes, I wish to announce that in view of the fact that Congress will not be in session on that date, I have consulted with the author of the bill, the junior Senator from Montana [Mr. MURRAY] and the majority members of the subcommittee. We have agreed that the date for beginning the hearings on the bill be 2 weeks after the date upon which the Senate reconvenes. I ask unanimous consent that the hearings begin on that date.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from Louisiana?

The Chair hears none, and it is so ordered.

PERSONNEL REQUIREMENTS

The PRESIDENT pro tempore laid before the Senate letters from the administrative officer of the White House, the Director of the Office of Economic Stabilization, the Secretary of the United States Employees' Compensation Commission, and the Secretary of the Smithsonian Institution, transmitting, pursuant to law, personnel requirements for their respective offices for the quarter ending September 30, 1945, which, with the accompanying papers, were referred to the Committee on Civil Service.

PETITIONS AND MEMORIALS

Petitions, etc., were laid before the Senate, or presented, and referred as indicated:

By the PRESIDENT pro tempore:

The petition of Dr. C. H. R. Hovde, of Van Nuys, Calif., for redress of grievances; to the Committee on the Judiciary.

By Mr. CAPPER:

A petition of sundry citizens of Wichita, Kans., praying for the enactment of legislation to prohibit the advertising of alcoholic beverages in periodicals, newspapers, radio, motion pictures, or any other form of alcoholic-beverage advertising; to the Committee on Interstate Commerce.

EXTRA GAS FOR DISABLED VETERANS—RESOLUTION OF VETERANS OF FOREIGN WARS

Mr. McMAHON. Mr. President, I ask unanimous consent to present for appropriate reference and to have printed in the RECORD a resolution adopted by the Veterans of Foreign Wars of the United States, Department of Connecticut, relating to extra gas for disabled veterans who drive cars to and from work.

There being no objection, the resolution was received, referred to the Committee on Banking and Currency, and ordered to be printed in the RECORD, as follows:

Whereas under the rules and regulations of the Office of Price Administration no provision is in effect which allows extra gas for disabled veterans who drive cars to and from work, or extra gas to take care of trips made necessary due to their injuries: Therefore be it

Resolved, That we go on record as favoring extra gas allowance be given to disabled veterans when the need is proven; and be it further

Resolved, That a copy of this resolution be sent to Chester Bowles, Office of Price Administration, Washington, D. C., Senators and Congressmen from Connecticut, and the press.

DEPARTMENT OF CONNECTICUT,
VETERANS OF FOREIGN WARS
OF THE UNITED STATES.

Approved by twenty-fifth war service conference, July 1, 1945.

COMPULSORY MILITARY TRAINING

Mr. McMAHON. Mr. President, I also ask unanimous consent to present for appropriate reference and printing in the RECORD a resolution adopted by the Veterans of Foreign Wars of the United States, Department of Connecticut, endorsing legislation providing for compulsory military training for 1 year for men between 18 and 25 years of age.

There being no objection, the resolution was received, referred to the Committee on Military Affairs, and ordered to be printed in the RECORD, as follows:

Resolution 13

Whereas there is now pending in the Congress of the United States, a bill in reference to compulsory military training of 1 year for men between the ages of 18 and 25 years of age: Therefore be it

Resolved, That we go on record as endorsing compulsory military training for 1 year for men between 18 and 25 years of age for the best interests of our country; and be it further

Resolved, That a copy of this resolution be sent to the Senators and Congressmen from Connecticut, and the public press.

DEPARTMENT OF CONNECTICUT,
VETERANS OF FOREIGN WARS
OF THE UNITED STATES.

Approved by twenty-fifth war service conference, July 1, 1945.

UNITED NATIONS CHARTER

Mr. McMAHON. Mr. President, I also ask unanimous consent to present for appropriate reference and to have printed in the RECORD another resolution adopted by the Veterans of Foreign Wars of the United States, Department of Connecticut, favoring prompt ratification of the United Nations Charter.

There being no objection, the resolution was received, ordered to lie on the table, and to be printed in the RECORD, as follows:

Resolution 12

Whereas the Conference at San Francisco, Calif., for World Peace has ended, and a Charter of World Peace has been drawn, and is now pending before the Senate of the United States for ratification under the Constitution: Be it

Resolved, That we go on record as unanimously endorsing the Charter for World

Peace, and urging the Senate of the United States to ratify it as soon as possible; be it further

Resolved, That a copy of this resolution be sent to both Senators from Connecticut and the public press.

DEPARTMENT OF CONNECTICUT,
VETERANS OF FOREIGN WARS
OF THE UNITED STATES.

Approved by twenty-fifth war service conference, July 1, 1945.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. GEORGE, from the Committee on Finance:

H. R. 122. A bill to amend sections 2720 (a) and 3260 (a) of the Internal Revenue Code relating to the transfer tax, and the tax on manufacturers and dealers, in the case of certain small-game guns; without amendment (Rept. No. 520); and

H. R. 3239. A bill to exempt certain mechanical pencils having precious metals as essential parts from the tax with respect to jewelry, etc.; without amendment (Rept. No. 521).

By Mr. JOHNSON of Colorado, from the Committee on Finance:

H. R. 3644. A bill to amend the Veterans Regulations to provide additional rates of compensation or pension and remedy inequalities as to specific service-incurred disabilities in excess of total disability; with an amendment (Rept. No. 549).

By Mr. THOMAS of Oklahoma, from the Committee on Agriculture and Forestry:

H. R. 699. A bill to amend paragraph 682 of title 16 of the United States Code; without amendment (Rept. No. 522).

By Mr. ELLENDER, from the Committee on Claims:

S. 201. A bill for the relief of the estates of William F. Bacon, Myrtle Jackson, Catherine Smith, and Tibbie Spencer; with amendments (Rept. No. 534);

S. 451. A bill for the relief of Carl Baumann; without amendment (Rept. No. 536);

S. 883. A bill for the relief of Charlie Tyson; with an amendment (Rept. No. 535);

S. 990. A bill for the relief of Mr. and Mrs. Edmond J. St. Amant, Jr.; with an amendment (Rept. No. 544);

H. R. 799. A bill for the relief of the estate of Stanley E. Smallwood; to the legal guardian of Frank Carter, Jr., a minor; to the legal guardian of Donald R. Keithley, a minor; to Keithley Bros. Garage; without amendment (Rept. No. 525);

H. R. 1015. A bill for the relief of G. H. Moore, of Butler, Taylor County, Ga.; with amendments (Rept. No. 523);

H. R. 1065. A bill for the relief of Mrs. Celia Ellen Ashcraft; with amendments (Rept. No. 545);

H. R. 1456. A bill for the relief of George E. Baker; without amendment (Rept. No. 526);

H. R. 2089. A bill for the relief of Edmund F. Danks, as administrator of the estate of Edna S. Danks, deceased; without amendment (Rept. No. 527);

H. R. 2511. A bill for the relief of Patricia M. Kacprzyk and Alex D. Leontire; without amendment (Rept. No. 528);

H. R. 2578. A bill for the relief of Rufus A. Hancock; with an amendment (Rept. No. 524); and

H. R. 2641. A bill for the relief of Frank Glen; without amendment (Rept. No. 529).

By Mr. JOHNSTON of South Carolina, from the Committee on Claims:

S. 562. A bill for the relief of Klau-Van Pietersom-Dunlap Associates, Inc.; without amendment (Rept. No. 530);

S. 857. A bill for the relief of Raymond W. Ford; with amendments (Rept. No. 533);

H. R. 241. A bill for the relief of Mrs. Ruby H. Hunsucker; without amendment (Rept. No. 546);

H. R. 1564. A bill for the relief of William W. Maddox and the legal guardian of Donna Sue Maddox and Gaddie Inez Maddox; without amendment (Rept. No. 531);

H. R. 1713. A bill for the relief of Canal Dredging Co.; without amendment (Rept. No. 547);

H. R. 1882. A bill for the relief of R. L. Whittington, Mrs. R. L. Whittington, and Mrs. J. B. Whittington; without amendment (Rept. No. 548); and

H. R. 2163. A bill for the relief of Teresa Tine; without amendment (Rept. No. 532).

By Mr. EASTLAND, from the Committee on Claims:

H. R. 1975. A bill for the relief of Glassell-Taylor Co., Robinson and Young; without amendment (Rept. No. 537).

By Mr. WILSON, from the Committee on Claims:

H. R. 1634. A bill for the relief of the city of Council Bluffs, Iowa; without amendment (Rept. No. 538).

By Mr. CAPPER, from the Committee on Claims:

H. R. 1913. A bill for the relief of Aloysius G. Miller; without amendment (Rept. No. 539).

By Mr. TAYLOR, from the Committee on Claims:

H. R. 999. A bill for the relief of Lily L. Carren; without amendment (Rept. No. 540);

H. R. 1057. A bill for the relief of the legal guardian of Margaret Hockenberry, a minor; without amendment (Rept. No. 541);

H. R. 1257. A bill for the relief of George C. Tyler and Doris M. Tyler; without amendment (Rept. No. 542); and

H. R. 2028. A bill for the relief of John Visnovec, Rose Visnovec, and Helen Visnovec; without amendment (Rept. No. 543).

REDUCTION OF NONESSENTIAL FEDERAL
EXPENDITURES—REPORT ON CIVILIAN
EMPLOYMENT IN THE EXECUTIVE
BRANCH

Mr. BYRD. Mr. President, at this time I wish to present to this body a report on the increase of civilian employment in the executive branch of the Federal Government for the month of June 1945, showing the increased Federal expenditures reflected by such employment.

This report reveals that by the end of June 1945, the army of civilian employees of the Federal Government had increased by 126,130 here and abroad.

Members of this body realize, as I do, that current expenses for the personnel services, the travel, the communications, the supplies and equipment, and the subsistence and the transportation of Federal personnel, together with the spending, lending activities of such personnel here and in various parts of the world are items of expenditure that are closely related to the rise in the public debt which today has reached \$262,000,000,000, the highest level in American financial history. The Treasury Department estimates that by June 30, 1946, the public debt will reach the staggering total of \$292,000,000,000, just short of the present debt ceiling of three hundred billion. It is essential that the Congress and the general public immediately look to the source of the thousands of Government

cost items that make up this huge total and promptly bend every effort to roll back reckless expenditures of public funds so that a point of proper balance can be made with the Nation's revenues.

As I stated in my letter of June 27, addressed to President Truman, the Federal pay roll will soon reach the total of \$8,000,000,000, more than twice greater than the interest on the public debt of \$3,616,686,048 on June 30, 1945. Since making that assertion, facts gathered by the Joint Economy Committee reveal that during the month of June 1945, an additional 16,081 employees have been added to the public pay roll for departments and agencies of government within the continental limits of the United States, and 110,049 extra employees have been hired by the War Department outside of the United States, making a total increase of 126,130 new Federal employees.

Computed at the conservative salary rate of \$2,000 per annum for each of these new employees, the Federal Government is saddled with the additional expense of more than \$252,000,000 annually for personal services alone. This means, too, that during the month of June 1945, 100 civilian employees were added to the public pay roll every hour of the working day here, and 600 civilian employees were hired every hour for Government duties abroad.

As a member of the Senate Civil Service Committee, I urged that this rapid rate of hiring civilian employees be stopped and that a full manpower inventory be undertaken so that a prompt reduction in the present total of 3,543,326 Federal employees could be brought about. Following this recommendation, the Congress enacted section 607 of Public Law No. 106, Seventy-ninth Congress, effective July 1, 1945, which authorized the Director of the Bureau of the Budget to establish personnel ceilings and submit a quarterly analysis of Federal employment showing the number of civilian employee reductions that have been made.

It is my firm conviction that at least 300,000 Federal employees could be immediately eliminated without interference with the prosecution of the war. At the conclusion of the Japanese war we should return to a total Federal employment of certainly less than a million employees. Even this figure is in excess of the Federal employment of normal times. I realize that this presents a great problem, one which will require courage and an intelligent plan of reduction, so that no essential function of the Government will be crippled. However, since the Bureau of the Budget now has the authority, the committee will expect the Bureau to use the resources of its staff, statistics, and information in applying the plan for reduction in order that it will be carried out effectively and equitably.

Mr. President, I ask unanimous consent that the report may be printed in the RECORD.

There being no objection, the report was ordered to be printed in the RECORD, as follows:

REDUCTION IN NONESSENTIAL FEDERAL EXPENDITURES
Civilian employment of the executive branch of the Federal Government, by departments and agencies, for the months of May and June 1945, showing the increase and decreases in number of paid employees

| Department or agency | May 1945 | June 1945 | Increase | Decrease |
|---|-----------|-----------|----------|----------|
| EXECUTIVE OFFICE OF THE PRESIDENT | | | | |
| Bureau of the Budget | 478 | 478 | | |
| DEPARTMENTS | | | | |
| Agriculture Department | 81,817 | 84,573 | 2,756 | |
| Commerce Department | 33,731 | 35,735 | 2,004 | |
| Interior Department | 43,401 | 44,354 | 953 | |
| Justice Department | 26,643 | 27,178 | 535 | |
| Labor Department | 6,612 | 6,593 | | 19 |
| Navy Department | 748,297 | 752,886 | 4,589 | |
| Post Office Department | 377,596 | 378,849 | 1,253 | |
| State Department | 11,640 | 10,944 | | 696 |
| Treasury Department | 91,211 | 96,493 | 5,282 | |
| War Department ¹ | 1,150,778 | 1,147,400 | | 3,378 |
| NATIONAL WAR AGENCIES | | | | |
| Committee on Fair Employment Practice | 136 | 133 | | 3 |
| Foreign Economic Administration | 6,366 | 6,410 | 44 | |
| National War Labor Board | 3,795 | 3,871 | 76 | |
| Office of Alien Property Custodian | 769 | 751 | | 18 |
| Office of Censorship | 8,320 | 6,433 | | 1,887 |
| Office of Civilian Defense ² | 77 | 0 | | 77 |
| Office of Contract Settlement | 70 | 72 | 2 | |
| Office of Defense Transportation | 3,394 | 3,351 | | 43 |
| Office of Economic Stabilization | 15 | 19 | 4 | |
| Office of Inter-American Affairs | 1,213 | 1,262 | 49 | |
| Office of Price Administration | 64,056 | 64,722 | 666 | |
| Office of Scientific Research and Development | 1,308 | 1,344 | 36 | |
| Office of Strategic Services | 2,590 | 2,536 | | 54 |
| Office of War Information | 10,021 | 9,951 | | 70 |
| Office of War Mobilization and Reconstruction | 207 | 255 | 48 | |
| Petroleum Administration for War | 689 | 692 | 3 | |
| Selective Service System | 18,916 | 18,802 | | 114 |
| Smaller War Plants Corporation | 1,857 | 1,892 | 35 | |
| War Manpower Commission | 28,709 | 28,465 | | 244 |
| War Production Board | 12,607 | 12,363 | | 244 |
| War Shipping Administration | 5,371 | 5,403 | 32 | |
| INDEPENDENT AGENCIES | | | | |
| American Battle Monuments Commission | 1 | 1 | | |
| Civil Aeronautics Board | 836 | 844 | 8 | |
| Civil Service Commission | 7,758 | 7,411 | | 347 |
| Employees' Compensation Commission | 500 | 502 | 2 | |
| Export-Import Bank of Washington | 59 | 60 | 1 | |
| Federal Communications Commission | 1,531 | 1,520 | | 11 |
| Federal Deposit Insurance Corporation | 1,414 | 1,378 | | 36 |
| Federal Power Commission | 642 | 636 | | 6 |
| Federal Security Agency | 32,322 | 33,124 | 802 | |
| Federal Trade Commission | 437 | 436 | | 1 |

¹ Does not include 539,222 employees stationed outside the continental United States.

² Liquidated as of June 30, 1945.

Civilian employment of the executive branch of the Federal Government, etc.—Con.

| Department or agency | May 1945 | June 1945 | Increase | Decrease |
|---|-----------|-----------|----------|----------|
| INDEPENDENT AGENCIES—continued | | | | |
| Federal Works Agency | 20,359 | 20,309 | | 50 |
| General Accounting Office | 13,311 | 13,836 | 525 | |
| Government Printing Office | 6,918 | 6,922 | 4 | |
| Interstate Commerce Commission | 1,997 | 2,015 | 18 | |
| Maritime Commission | 11,145 | 10,770 | | 375 |
| National Advisory Committee for Aeronautics | 6,564 | 6,740 | 176 | |
| National Archives | 328 | 337 | 9 | |
| National Capital Housing Authority | 223 | 221 | | 2 |
| National Capital Park and Planning Commission | 16 | 16 | | |
| National Gallery of Art | 258 | 264 | 6 | |
| National Housing Agency | 15,607 | 15,593 | | 14 |
| National Labor Relations Board | 811 | 843 | 32 | |
| National Mediation Board | 107 | 106 | | 1 |
| Panama Canal Railroad Retirement Board | 30,177 | 30,595 | 418 | |
| Reconstruction Finance Corporation | 1,885 | 1,809 | | 76 |
| Securities and Exchange Commission | 12,048 | 12,645 | 597 | |
| Smithsonian Institution | 1,138 | 1,151 | 13 | |
| Tariff Commission | 412 | 411 | | 1 |
| Tax Court of the United States | 290 | 298 | 8 | |
| Tennessee Valley Authority | 120 | 121 | 1 | |
| Veterans' Administration | 12,780 | 12,609 | | 171 |
| Total ³ | 63,439 | 66,471 | 3,032 | |
| Net increase | 2,988,023 | 3,004,104 | 24,019 | 7,938 |
| War Department ⁴ | 429,173 | 539,222 | 110,049 | |
| Grand total | 3,417,196 | 3,543,326 | | |

³ Includes employees stationed outside the continental United States as reported by various departments and agencies excepting the War Department; totals, May 1945, 121,885; and June 1945, 119,815.

⁴ Employees stationed outside continental United States reported quarterly as of Mar. 31, 1945.

NOTE.—Employment figures now reported to the committee include dollar-per-anum and without compensation employees of the consultant-expert type who are authorized to receive per diem in lieu of subsistence.

REPORT OF SPECIAL COMMITTEE TO INVESTIGATE THE NATIONAL DEFENSE PROGRAM—CONDITIONS AT CURTISS-WRIGHT CORP. PLANTS, BUFFALO, N. Y. (PT. 3 OF REPT. NO. 110)

Mr. MITCHELL. Mr. President, from the Special Committee to Investigate the National Defense Program, I ask unanimous consent to submit a report with respect to conditions at the Curtiss-Wright Corp. plants at Buffalo, N. Y.

Since its inception this committee has constantly inquired into problems relating to equipment and supplies being furnished to our armed forces. During the past 4½ years the committee has investigated into many phases of our war-production program for the purpose of ascertaining the quantity and quality of material available for the war effort.

The committee has always been cognizant of the fact that the airplane is one of the most important weapons in modern warfare. The tremendous output of our aircraft industry has been one of the production miracles of this war.

American-built planes in the hands of our forces and those of our allies have been one of the greatest single factors in our victories to date. The development and mass production of American aircraft since 1940 has been the subject of intensive study and considerable investigation by the committee. It has been the function of the aviation subcommittee of this committee to consider aircraft and aircraft production in all its phases. At the present time this aviation subcommittee, of which, I have the honor of being chairman, consists of Senator JAMES M. TUNNELL, Democrat, of Delaware, Senator HOMER FERGUSON, Republican, of Michigan, and myself.

On April 18, 1945, Senator WILLIAM LANGER, the senior Senator from North Dakota, speaking on the floor of the Senate, severely criticized the inspection methods in force at the Buffalo, N. Y., plant of the Curtiss-Wright Corp. He requested our committee to make an investigation of conditions at these plants. The committee immediately initiated an inquiry into this matter and committee staff members were sent to Buffalo where they made a preliminary investigation of the company and Army inspection procedures at the Curtiss-Wright plants. Thereafter, on June 20 and 21, 1945, the aviation subcommittee held closed hearings in Washington, D. C., at which time representatives of Army Air Forces and officials of the Curtiss-Wright Corp. were heard. On July 9, 1945, members of the Aviation Subcommittee went to Buffalo to develop further the facts in this case. Senator FERGUSON and I inspected the Curtiss-Wright facilities at Buffalo. We questioned company and AAF employees on the floor of the plant and held further executive sessions at Buffalo. Public announcements were made at Buffalo inviting any persons having information pertinent to this investigation to appear before the subcommittee. On July 10, 11, 12, and 13, open hearings were held in the United States courthouse there. There hearings were conducted from early morning until late at night so that every person, regardless of his working hours had an opportunity to appear and give testimony. In all 1,675 pages of testimony were taken from 71 witnesses.

The Buffalo plants of Curtiss-Wright presently employ approximately 32,000 persons and are engaged in the manufacture of C-46 planes for the Army Air Forces. A total of 2,349 of these cargo planes have been produced at Buffalo since May 1942. From 1935 to November 1944, when production was stopped, these plants also produced 14,907 P-40 type fighter planes. In addition 343 P-47 type fighter planes were manufactured by Curtiss-Wright at Buffalo during 1943 and 1944. The majority of these airplanes were used by the AAF or were made available to our allies under lend-lease.

In view of the serious charges made in this case, most careful consideration was given to all of the available records and testimony developed by the committee so that a thorough and fair evaluation of the inspection systems of the Buffalo plants of Curtiss-Wright could be made. Such an evaluation could not

be made by merely interviewing Army and company inspectors, or by merely reviewing the Army and company inspection procedures at the plants. In order to determine the efficacy of Army and company aircraft inspection, it was necessary to determine the over-all quality of the airplanes built and inspected at Buffalo. The committee therefore obtained information from the AAF regarding the operational performance of the P-40 and C-46 and analyzed the available AAF accident records of these and similar types of planes. Only after considering all of this evidence and all of the other factors bearing on the over-all quality of the planes produced did the committee arrive at the conclusions set forth in the report which I have submitted to the Senate.

Our investigation uncovered deficiencies on the part of Curtiss-Wright and the Army Air Forces. It brought forth some facts for which the manufacturer should be complimented. In any event, the facts were reported as found. Regarding the deficiencies which affect the over-all quality and utility of the airplanes being manufactured by Curtiss-Wright, I am happy to state the War Department and the Curtiss-Wright Corp. have promised this committee that prompt and immediate action will be taken to correct these deficiencies.

The following conclusions summarize the findings made as a result of the committee's investigation at Curtiss-Wright:

First. The supervision and administration of the Army Air Forces inspection at Curtiss-Wright is inadequate. As a result, the duties of Army Air Forces inspection personnel are not clearly defined, or executed. Existing inspection and engineering deficiencies are being poorly handled. Army Air Forces inspectors who are known to be inefficient are retained in their positions.

Second. During the latter part of 1943 the company, in an effort to meet an accelerated production schedule, allowed certain production and inspection procedures at its Buffalo plants—which produce the C-46 and the P-40—to become badly disorganized. This condition which lasted until the fall of 1944, resulted in a situation whereby production dominated inspection and the quality of airplane inspection was seriously impaired.

Third. Since the fall of 1944, the quality of inspection has shown a marked improvement. The company set up elaborate inspection procedures in an effort to obtain quality in the completed product. However, the actual application of these procedures has not yet been perfected and, in some instances, production still attempts to dominate inspection. The company in some cases has shown a lack of vigor in correcting the unsatisfactory conditions.

Fourth. Various representatives of the Army Air Forces Air Technical Service Command, which made numerous inspections at Curtiss-Wright, have been inept in locating and eliminating existing deficiencies. The Army Air Forces should make a prompt and thorough investigation of company and Army Air Forces inspection organizations for the

purpose of correcting the unsatisfactory conditions and ascertaining why the Air Technical Service Command had not previously corrected these conditions.

Fifth. The Army Air Forces has granted an approved quality control rating to the Buffalo plants of Curtiss-Wright, thereby placing its stamp of approval on the company-inspection system. It appears that this rating is based upon an evaluation of the inspection system rather than on the actual quality of inspection being performed under the system. It is recommended that the Army consider revising this method of rating Army Air Forces contractors.

Sixth. Airplane-accident statistics obtained from the War Department include only those accidents which occurred in the continental United States. The committee was amazed that the War Department did not have adequate records on aircraft accidents occurring outside of the country. These statistics which are incomplete and therefore not conclusive proof of quality indicate that the C-46 has a generally worse accident rate than the C-47 and the C-54 which are comparable planes. It should be noted, however, that the C-46 has had considerably less flight experience than the C-47 and the C-54 is being operated by more experienced personnel. At the present time the P-40 has a comparatively low accident rate. The evidence does not establish conclusively whether the planes delivered by the Curtiss-Wright Corp. from its Buffalo plants are dangerous for use, or safe.

Seventh. The C-46 is aerodynamically a good plane and has performed, and should continue to perform, a useful function in the war effort. It was, however, designed with overly complicated hydraulic and fuel systems which have created serious maintenance and operational problems in the field. Considerable engineering changes have corrected many of these problems, but the company has been slow in eliminating the deficiencies, many of which still exist.

Eighth. The P-40 type fighter plane has been produced in great numbers by Curtiss-Wright. At the beginning of the war the manufacturers of later improved types of fighter planes could not furnish the planes necessary to engage the then strong air forces of the enemy, and the P-40, although relatively obsolete, was available and was used effectively by the Americans, British, Russians, and Chinese in various theaters at a time when fighter planes were vitally needed. This plane, however, has been out of production since November 1944.

The PRESIDENT pro tempore. Without objection, the report submitted by the Senator from Washington, will be received and printed.

BILLS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. SALTONSTALL:

S. 1314. A bill for the relief of Frederic P. L. Mills; to the Committee on Claims.

S. 1315. A bill to authorize the naturalization of Sgt. Valentine Belichenko; to the Committee on Immigration.

(Mr. THOMAS of Utah introduced Senate bill 1316, which was referred to the Com-

mittee on Education and Labor, and appears under a separate heading.)

By Mr. FERGUSON:

S. 1317. A bill for the relief of the Tivoli Brewing Co.; to the Committee on Claims. (Mr. PEPPER (for himself, Mr. WALSH, Mr. THOMAS of Utah, Mr. HILL, Mr. CHAVEZ, Mr. TUNNELL, Mr. GUFFEY, Mr. LA FOLLETTE, Mr. AIKEN, and Mr. MORSE) introduced Senate bill 1318, which was referred to the Committee on Education and Labor, and appears under a separate heading.)

ESTABLISHMENT OF RESEARCH AGENCIES

Mr. THOMAS of Utah. Mr. President, several bills have been introduced providing for the establishment of research agencies. I now ask unanimous consent to introduce another bill dealing with that subject and request that it be referred to the Committee on Education and Labor.

It will be noted that this bill deals with research on the lower levels rather than on the highly specialized level. By a wider distribution of funds for research, ultimately more persons will be attracted to the field and more will contribute to the general welfare of this country.

It must also be borne in mind that research carries with it a dual purpose: first, to create the highly trained technical experts, and also, to contribute to the general industrial life of our Nation. To neglect either of these fields will result in a faulty research policy.

It is in the spirit of contributing to the over-all planning that this bill is offered and the request is made that it be considered by those persons who will consider the research problems of the Nation.

I ask that the bill may be printed in full in the RECORD, together with a statement.

The PRESIDENT pro tempore. Without objection, the bill will be received and referred, as requested by the Senator from Utah, and the bill and statement will be printed in the RECORD.

The bill (S. 1316) to further promote the national strength, security, and welfare by assisting the States and Territories in extending and improving courses of instruction in the natural sciences through public secondary schools, was read twice by its title, referred to the Committee on Education and Labor, and ordered to be printed in the RECORD, as follows:

A bill to further promote the national strength, security, and welfare by assisting the States and Territories in extending and improving courses of instruction in the natural sciences through public secondary schools

Whereas the progress of our modern technological civilization in the United States is dependent upon a widespread understanding of the principles and practical applications of the natural sciences; and

Whereas such an understanding of science principles and their practical applications constitute an indispensable element in post-war plans for national security and individual welfare; and

Whereas basic training in the natural sciences is of vital importance in the preparation of youth for many and various occupational fields; and

Whereas the war has disclosed a widespread lack of opportunity for youth enrolled in public secondary schools to receive effective instruction in natural science subjects: Now therefore.

Be it enacted, etc., That this act may be cited as the "High School Science Education Act of 1945."

FINDINGS AND DECLARATION OF POLICY

SEC. 2. (a) It is hereby declared to be the policy of the United States to further promote the national strength, security, and welfare by assisting the States and Territories in extending and improving their courses of instruction in the natural sciences for youth enrolled in public secondary schools.

(b) This act shall be construed as intending to secure to the several States control of the administration of this act within their respective jurisdictions and to preserve State and local initiative in the operation of courses of instruction in the natural science subjects for students enrolled in public secondary schools. No provision of this act shall be construed to delimit a State in its definition of its program of public education or to restrict or define the kind of courses in natural science subjects to be supported by the respective States with funds received under this act; or to grant to any officer of the United States Government, or to any of its agencies, departments, or officers any power or authority to approve or reject the plans for extending and improving courses of instruction in natural science subjects developed by any State; nor to confer upon any officer of the United States Government or of any of its agencies, departments, or officers any power or authority to supervise or in any way exercise management and control of the program of instruction in the natural sciences in any State, it being the purpose of this act to leave all supervision, management, control, and choice of educational means, processes, personnel, and programs to State and local governments.

APPROPRIATIONS AUTHORIZED

SEC. 3. For the purpose of cooperating with the States in paying the costs of the salaries and other necessary expenses of supervisors and teachers of natural science subjects, and the costs of supplies and equipment used in classes of instruction in such subjects in public secondary schools there is hereby authorized to be appropriated for the use of the State subject to the provisions of this act for the fiscal year ending June 30, 1946, the sum of \$4,000,000, for the fiscal year ending June 30, 1947, the sum of \$8,000,000, for the fiscal year ending June 30, 1948, the sum of \$12,000,000, for the fiscal year ending June 30, 1949, the sum of \$16,000,000, for the fiscal year ending June 30, 1950, and for each fiscal year thereafter the sum of \$20,000,000. The sums made available under this section shall be used for making payments to States which have submitted to the Commissioner of Education of the United States State plans for extending and improving their programs of instruction in the natural sciences for students enrolled in public secondary schools: *Provided*, That the funds paid to a State under this act shall be expended only through public agencies and under public control as determined by the legislatures of the respective States: *Provided further*, That no State shall be entitled to receive the benefits of this act unless the State and/or its local school systems shall have expended for the same purposes during the preceding year an amount equal to the average annual amount of such expenditures within the State in the two fiscal years beginning July 1, 1942, and ending June 30, 1944.

APPORTIONMENT

SEC. 4. The amounts appropriated under the authority of this act less any amount set aside for administrative purposes under section 9 hereof shall be annually apportioned among the respective States by the United States Commissioner of Education (hereinafter referred to as "the Commissioner") in the proportion which the number of their inhabitants aged 15 to 19 years, inclusive, bears to the total number of in-

habitants of those ages in all of the States. In the computation of the sums apportioned, the population figures and estimates certified by the United States Bureau of the Census for the last preceding census shall be used.

STATE PLANS

SEC. 5. The manner in which the funds apportioned to each State shall be used for paying the costs of salaries and other necessary expenses of supervisors and teachers of natural science subjects and the costs of supplies and equipment used in classes of instruction in such subjects in public secondary schools shall be determined under policies of the respective State educational agencies. The State treasurer shall be designated and appointed as custodian of all funds received by said States as apportionments under the provisions of this act to receive and provide for the proper custody and disbursement of the same, such disbursement to be made upon requisition of the State educational agency and in accordance with the laws of such State. The State educational agency shall annually prepare and submit to the Commissioner plans showing the manner in which it is proposed to use the funds apportioned to the State. Such plans shall provide in States where separate public schools are maintained for separate races that a just and equitable apportionment, allotment, or distribution be made for the benefit of public secondary schools maintained for minority races, without reduction of the proportion of State and local moneys expended during the previous fiscal year for purposes of science instruction in public secondary schools for minority races.

CERTIFICATION AND PAYMENT

SEC. 6. It shall be the duty of the Commissioner to compute the amount due to each State and to apportion for each ensuing fiscal year such funds as said State may be entitled to receive under the provisions of this act, and to certify such apportionment to the Secretary of the Treasury. The Secretary of the Treasury shall thereupon, through the Division of Disbursement of the Treasury Department and prior to audit of settlement by the General Accounting Office pay to the treasurer of each State the apportionment so certified. The State educational agency of each State shall authorize the payment of the sums of money apportioned to the State in the manner set forth in the State plan. The treasurer of each State shall on the first day of each July report to the Treasurer of the United States through the Commissioner any unused portion of funds allotted to the State and the amount so reported shall be deducted from the next ensuing allotment to that State.

AUDIT

SEC. 7. The Commissioner is authorized to prescribe plans for keeping accounts of the expenditures of such funds as may be apportioned to the States under the provisions of this act. The State educational agency receiving any apportionment made under the provisions of this act shall cause to be made annually within 6 months after the close of the fiscal year in such State an audit of such accounts by a certified public accountant: *Provided*, That no two consecutive annual audits of such accounts shall be made by the same certified public accountant. The State educational agency shall submit to the Commissioner a copy of each annual audit of such accounts within 30 days after the completion of the audit. If the Commissioner shall determine that the apportionment made to a State for any fiscal year has not been expended for the purposes and according to the provisions of this act he shall give notice of this fact to the State educational agency and to the Governor of such State, and after opportunity afforded for hearings, shall cause to be deducted from the next succeeding allotment to such State

an amount equal to the amounts determined to have been improperly expended. If any allotment or portion of any allotment is thus withheld from any State it shall have the right to appeal within 30 days to a United States district court and such court shall have jurisdiction as to both fact and law.

REPORTS

Sec. 8. The State educational agency shall annually submit to the Commissioner on forms provided by him a report showing the manner of distributing within the State the funds apportioned under this act and the extensions and improvements of instruction in natural-science subjects in public secondary schools accomplished thereby. The Commissioner shall prepare an annual report to the Congress on or before December 1 of each year covering the administration of this act and including a summary of State reports received from State educational authorities.

ADMINISTRATION

Sec. 9. In addition to the funds appropriated in section 3 hereof to carry out the provisions of this act an amount not to exceed \$200,000 is hereby authorized to be appropriated annually to the United States Office of Education for the administration of this act. The appropriation authorized under this section shall be used for making studies, investigations, and reports with particular reference to their use in aiding the States in the extension and improvement of school courses of instruction in natural-science subjects and for the purpose of paying the salaries of such members of the staff of the United States Office of Education, including field service consultants, and other expenses, including expenses for travel and printing, as are deemed necessary by the Commissioner to the proper administration of this act.

DEFINITIONS

Sec. 10. (a) The term "State" means the several States, the District of Columbia, Alaska, Hawaii, Puerto Rico, American Samoa, the Virgin Islands, and Guam.

(b) The term "State educational agency" means as the State legislature may define (1) the chief State school officer (such as superintendent of public instruction, commissioner of education, or similar officer); (2) a board of education controlling the State department of education, except that in the District of Columbia it shall mean the Board of Education and in American Samoa, the Virgin Islands, and Guam it shall mean the Governor.

(c) The term "secondary school" means as the State legislature may define (1) grades 9 to 12, inclusive; or (2) grades 8 to 11, inclusive; or (3) grades 10 to 14, inclusive.

(d) A just and equitable apportionment allotment, or distribution of funds provided under this act for the benefit of a minority racial group in a State which maintains by law separate educational facilities for such minority racial group means an apportionment, allotment, or distribution that results in the expenditure for the benefit of such minority racial group of a proportion of said funds not less than the proportion that such minority racial group in such State bears to the total population of that State.

(e) The term "natural sciences" refer to the subjects: general science, biology, physics, chemistry, and earth science together with other subjects representing special arrangements of materials related to these fields of study such as aviation, applied science, gardening, floriculture, radio, meteorology, and the like.

The statement presented by Mr. THOMAS of Utah is as follows:

WHY SHOULD INDUSTRY GIVE FINANCIAL SUPPORT TO THE NATIONAL SCIENCE TEACHERS ASSOCIATION?

Alfred P. Sloan, Jr., chairman, board of directors, General Motors Corp., recently announced

plans for the construction of a great technical center north of Detroit. The announcement was made at a luncheon at the Waldorf Astoria on July 24, where the theme was More Jobs Through Research. In the process of his remarks, Mr. Sloan said:

"The objective is more and better things at lower prices, thus expanding job opportunities and contributing to an advancing standard of living. Modern science is the real source of economic progress.

"It has brought within the reach of more and more people, more comforts and conveniences, more leisure and more and better job opportunities. There can be no ceiling on opportunity if science continues to move forward.

"It is to accelerate the progress of scientific advancement that the General Motors Technical Center is dedicated."

The men and women to operate this technical center will come to that center with backgrounds insofar as training is concerned. Some of them will be research leaders, some will be college graduates, most of them will have had a secondary school education. All of them should have an appreciation of the importance and general principles of science.

The chief beneficiary of an adequate program of science education would be the many branches of industry. Science constantly stimulates the development of new products. This means more opportunities for labor jobs in production, in transportation, in salesmanship, and delivery. Successful handling of each step of the program means ultimately more money in the stockholders pocket.

MATERNAL AND CHILD WELFARE ACT OF 1945

Mr. PEPPER. Mr. President, for myself, the Senator from Massachusetts [Mr. WALSH], the Senator from Utah [Mr. THOMAS], the Senator from New Mexico [Mr. CHAVEZ], the Senator from Delaware [Mr. TUNNELL], the Senator from Pennsylvania [Mr. GUFFEY], the Senator from Wisconsin [Mr. LA FOLLETTE], the Senator from Vermont [Mr. AIKEN], and the Senator from Oregon [Mr. MORSE], I ask unanimous consent to introduce for appropriate reference a bill the title of which is to provide for the general welfare by enabling the several States to make more adequate provision for the health and welfare of mothers and children and for services to crippled children, and for other purposes.

Mr. President, I ask that there may appear in the RECORD immediately after these remarks of introduction a statement by me and a summary of the nature and purposes of the bill.

The PRESIDENT pro tempore. Without objection, the bill will be received and appropriately referred, and the statement will be printed in the RECORD.

The bill (S. 1318) to provide for the general welfare by enabling the several States to make more adequate provision for the health and welfare of mothers and children and for services to crippled children; and for other purposes, introduced by Mr. PEPPER (for himself, Mr. WALSH, Mr. THOMAS of Utah, Mr. HILL, Mr. CHAVEZ, Mr. TUNNELL, Mr. GUFFEY, Mr. LA FOLLETTE, Mr. AIKEN, and Mr. MORSE), was read twice by its title and referred to the Committee on Education and Labor.

The statement and summary presented by Mr. PEPPER are as follows:

The war has given us irrefutable proof that a nation which neglects the health and welfare of its children does so at its own peril.

We need only look at the record of 40 percent of the 22,000,000 men of military age found unfit for general military duty and 33 percent of all applicants in a year for enlistment in the Women's Army Corps who were rejected as unfit for general military service to know that indifference to what happens to children sooner or later strikes at the very life of the nation.

Manpower problems of the Army and Navy have been far more serious than they would have been had the Nation's health been better. Vast numbers of men and women would not have been found wanting had their physical defects been corrected or prevented, as so many could have been, in childhood.

It is a mockery for a nation to demand service from citizens to whom as children it denied the opportunity to prepare for such service.

But the Nation's concern for its children is not limited to considerations of national safety. The Nation's greatness in peace is measured by the opportunities open to its citizens for health, personal satisfactions, and the exercise of social responsibility. These opportunities can be assured only if children have their full chance for physical, mental, and emotional growth and well-being.

It has been said that health is purchasable. But the individual family alone cannot buy health for its children. Community as well as family resources are necessary.

The time has come when our communities, States, and the Federal Government must assume a larger responsibility for the health and well-being of our children—a responsibility which their families, rich or poor, cannot assume alone. A program such as that embodied in the proposed bill would increase, not lessen, the responsibilities of parents to make use of the resources which the community affords.

The bill, which I hope will receive early consideration by the Congress, provides for gradual yet substantial expansion of existing State programs of child health and welfare initiated a decade ago under the Social Security Act. Step by step, over a period of the next 10 years, the bill makes possible the enlargement and strengthening of these public services in accordance with the requirements of each State.

GENERAL PROVISIONS OF THE BILL

This bill makes Federal financial aid and technical assistance available to the States for the purpose of providing medical care and health services for mothers and children and child-welfare services for emotionally sick and insecure children and for children without parental care or supervision.

It stipulates that these services shall be available to all who elect to participate in them, regardless of race, creed, color, place of residence, or national origin.

By July 1, 1955, each State desiring to benefit from the program must have established for all of its political subdivisions services and facilities to meet the maternity-care needs of those mothers who wish to participate in the program and the basic medical-care needs of children. By that date the States benefitting from the act must also have made child-welfare services available to all children for whom these services are needed.

The bill authorizes for the fiscal year 1945-46 an appropriation of \$50,000,000 for maternal and child-health programs; \$25,000,000 for crippled children's programs; \$20,000,000 for child-welfare programs; and \$5,000,000 for administration. Amounts for each year thereafter are not fixed, but will depend on how much is required to carry out the purposes of the act and to expand the services year by year until they are everywhere fully available.

This expanded health program for children and mothers will be administered through the State health departments. The money will be used primarily to pay doctors, den-

tists, nurses, and other professional personnel for services and care to mothers and children. It will pay for care in physicians' offices, hospitals, convalescent homes, clinics, or in the home.

For mothers there will be good prenatal care and medical and hospital care at childbirth and in the after-birth period. For children there will be well-baby clinics during preschool years and continued supervision by competent physicians; medical and hospital care when children are sick; school-health services that will include both examination and treatment for children; dental care in preschool years and throughout a child's school life; mental health and child-guidance clinics; and allied services.

Such services and care will be fitted into the total health programs of States and communities. They will be integrated with hospitals and health centers which will be the heart of the program in each State. Existing medical and health centers and hospital and clinic facilities will be used wherever possible, if they meet standards, and every means will be used to provide care of the highest quality possible. Ultimately, a chain will be forged linking the smallest outpost maternity and child-health center in rural areas to the best medical centers in the largest cities.

The bill does not contemplate a construction program, such as is provided for in S. 191 or in similar provisions of other bills. But pending the passage of a broad program for construction of health facilities, State health departments will be able to use some of the funds provided in this bill for necessary remodeling of facilities.

The bill assures to the patient free choice among doctors, hospitals, and clinics that are participating in the program. To the practitioner and hospital it assures free choice to participate or refuse to participate. Parents will decide whether they wish to go to a doctor outside the program and pay for care themselves, or to use the local maternal and child-health services. Physicians, likewise, may participate in the services in several different ways or refuse to have any part in them, if they so prefer. Some may join in the program through their private practice; others may work in clinics or hospitals. Some may want to participate part-time; others full-time. There will be no compulsion on anyone to come in or stay out of the program.

All barriers to good care will eventually be removed by this bill. For doctors it will make accessible all the help they need from laboratories, X-ray service, specialists, and diagnostic clinics so that no stone may be left unturned to find out what is the matter with a sick child or a pregnant woman. The best possible treatment will be assured those who seek care. No limit is placed on doctors or hospitals in providing the care they think is best for their patients. The kind of care made available will be safeguarded as far as possible by standards which each State will set up in its plan for approval by the Children's Bureau.

The bill provides for standards of qualifications for personnel. It assures adequate remuneration of doctors who will be paid for all services they render, whether in office, home, clinic, or hospital. They will not have to give their time without compensation as they have to do so often today. Hospitals and clinics, whether public or voluntary, will be paid on a basis related to cost of care.

Money to purchase medical care will not assure good care to all who may seek it if there are not doctors, dentists, nurses, and other professional workers at hand to supply that care and if they are unable to keep pace with advances in medical knowledge. For that reason, this bill makes provision for the training of personnel and for demonstration projects in the fields of maternal and child health. Even when the armed forces are able to release all their men and women

trained in these fields, we will still be woefully undersupplied with trained workers. Adequate medical care and health services cannot possibly reach all mothers and children unless the number of professional workers is greatly increased and graduate training is provided to many present practitioners.

Experience has shown that through research we can actually protect children from serious diseases. Smallpox and diphtheria, for instance, have been practically banished as causes of childhood mortality. No doubt research, adequately financed, can make great headway with other diseases. The gains made in research and in better training will benefit not only these public programs but the private practice of medicine. The bill provides for studies and demonstrations that will substantially advance the knowledge in the fields of maternity and child care.

In the administration of these health programs, the Chief of the Children's Bureau is required to seek the advice of responsible State administrative officials, of advisory committees composed of professional and public members, and of technical committees as necessary. State officials, likewise, are expected to consult with medical, health, nursing, education, and welfare groups, and to appoint State advisory councils made up of representatives of these groups and of the public.

In the child-welfare programs to be developed and administered by State welfare agencies, Federal funds will be used to increase the number of child-welfare workers until within 10 years children in every community will have access to their services. These child-welfare specialists will work with parents, schools, social agencies, police, and courts, to keep children out of trouble and see that they get the care and the protection they require. Federal funds will also be used to provide foster care, primarily in family homes, when it is impossible for a child to remain in his own home, to provide temporary care for those children who must be held in detention pending court hearing, and for those needing shelter or study of their special needs. Children whose mothers are employed may be given care in foster-family homes or day-care centers. Nonresident children will be helped to return to their own communities when desirable.

GRANT-IN-AID PRINCIPLE IS SOUND

This measure is an extension of three existing programs of service to children to which the Congress is already committed but for which only meager financial support has been authorized.

Ten years ago we enacted the Social Security Act, providing Federal aid to State programs for maternal and child health, for crippled children, and for child-welfare services. Under these programs, Federal funds are made available, partly on a matching basis and partly as outright grants, to help States extend and improve their child-health and child-welfare services to mothers and children, especially in rural areas and in areas suffering from severe economic distress.

While we accepted in this act the principle of Federal responsibility for promotion of such services, we set a drastic limit on the Federal funds that can be used by the States to implement them. The maximum that can be appropriated in any one year, even since amendments passed in 1939, stands at only \$5,820,000 for maternal and child health, \$3,870,000 for crippled children, and \$1,510,000 for child welfare.

These small amounts may have been justified during the early development of these programs. They are a reproach to us now. Surely none of us dares to defend \$11,200,000 as the rightful share of the Federal Government in the cost of promoting the health and welfare of our 40,000,000 children through services of the kind authorized in title V of the Social Security Act, and no one

can deny that we can afford the increases called for in this bill.

Ten years of experience under the Social Security Act has given the Children's Bureau, which is responsible for allotting these grants to State agencies, opportunity to build the foundations of effective teamwork between the Federal Government and the States in behalf of children. Within the limitations of the funds allowed, State agencies and communities working with them have achieved much.

The wartime emergency maternity and infant care program for servicemen's wives and babies has added to the knowledge and skill of these agencies in their operation of publicly financed maternal and child-health programs. In the first 27 months of this program, initiated by the Congress in March 1943, 785,000 mothers had been or were still being given maternity care during pregnancy, at childbirth, and in the postpartum period. Nearly 100,000 sick babies had received or were still receiving medical and hospital care. At present, one out of every six babies born in our country is a beneficiary of this program which was created for the primary purpose of relieving enlisted men of anxiety over the safety of their families and of uncertainty as to how to obtain proper medical and hospital care for their wives and infants during their absence in service. Both for mothers and babies, the care has been provided without cost to the serviceman or his family. For the 12 months that ended on June 30, 1945, the Congress appropriated \$45,000,000, and approximately the same has been made available for the current year. This program, however, is a war measure only. Acceptance of new cases will terminate 6 months after the close of war.

There can be no doubt that the principle of Federal-State cooperation as described in title V of the Social Security Act and operating under it is sound. The issue facing us now is how generously and how fast the Federal Government can extend its help to the States until adequate health and child-welfare services are available to all mothers and children.

SUPPORT FOR THIS LEGISLATION IS WIDESPREAD

Both professional and public leaders demand that action be taken to provide adequate care for mothers and children.

The American Academy of Pediatrics at its annual meeting in St. Louis in November 1944, unanimously adopted as its objective for child health in the postwar period the following:

"To make available to all mothers and children in the United States of America all essential preventive, diagnostic, and curative medical services of high quality which, used in cooperation with other services for children, will make this country an ideal place for children to grow into responsible citizens."

In administering the program of services for children under the Social Security Act, the Children's Bureau has sought the advice and counsel of outstanding physicians, social workers, and members of other professions who are authorities in the fields of child health and child welfare, and of citizen groups concerned with the problems of children. For the past year the Bureau's technical and general advisory committees have been reviewing and reappraising the programs in relation to present needs. Their recommendations, in turn, have been studied by the National Commission on Children in Wartime. Members of this commission include the chairmen of the Bureau's advisory committee and representatives of labor, farm, women's, church, and professional groups.

The present bill embodies the essential recommendations of this distinguished group of citizens, which has released a report entitled "Building the Future for Children and Youth." In this report the national commission states:

"The health of children, no less than their education, is a public responsibility. If during the coming decades children are to grow to maturity physically and mentally fit, if they are to be able to take advantage of the educational opportunities offered to them, and if they are to assume their position as responsible members of society when they are mature, they must be assured of healthy bodies and healthy minds when they are young."

In making its proposals, the National Commission points out that "to be most effective the maternal and child health and crippled children's programs must ultimately fit into a total medical-care plan designed to lift the level of health and medical care for all the people." The commission emphasizes, however, that "expansion of the services necessary for mothers and children must not be delayed pending decisions on the total plan." Children do not wait to grow until the Nation decides what kind of a national health program it will have. Furthermore, we can learn much that will be of use to us later in dealing with the larger problem by pushing ahead now with this more limited measure. To the extent that the Federal Government, through taxation, assumes the cost of health and child-welfare services for mothers and children, the cost of the other features of a national health program is reduced.

PRESENT PROVISIONS DISCRIMINATE AGAINST MANY CHILDREN

One basic question should be kept in mind in deciding on the merits of this bill. It is a question which Congress, and only Congress, can decide—"Do we, as a nation, intend to provide good health care for every child, wherever his parents happen to be and wherever he happens to be born, or are we going to be content with the system we have now under which some children get the best care known anywhere in the world while others have to get along with little or no skilled assistance?"

Under present programs, children who happen to live in one place get services which children who live a few miles away are denied because services for them are not provided by the community, the State, or the Federal Government. It is a totally unsound principle of government to use public funds for the benefit of some children and withhold them from others with like needs.

The purpose of this bill is to correct some of the discrimination and inequalities in health care and child-welfare services which, for example, make cities better places than the country for children to be born in, which give the children in one State advantages over those in other States, which favor the children in high-income families as against those in low-income families, which protect the lives of white children better than the lives of Negro children, which provide for some crippled children and leave others totally unprotected for.

Instances of these inequalities in our provision of health and child-welfare services stand out starkly in reports of the Children's Bureau and the National Commission on Children in Wartime.

Rural children have great disadvantages

Infant mortality rates show that today city-born babies are by far the luckiest; that small communities are the least favorable birth places; and that rural areas are only a little better than small communities. The Children's Bureau estimates that if we could reduce infant mortality rates in places of less than 10,000 population to the level of the rates in larger places, we could save the lives of 10,000 babies each year.

No act of incorporation makes a city a safer place for the birth of a child, but the existence of well-functioning public and private health services makes a tremendous difference.

In 1943, only half of the births in rural areas took place in hospitals; in large cities more than 90 percent were in hospitals.

Nearly 600,000 rural mothers were delivered in their rural homes, 160,000 of them without a doctor in attendance. Prenatal clinics, conducted by physicians under the supervision of State health agencies, exist in only a quarter of our rural counties. Two out of every three rural counties have no well-baby clinics under such supervision where mothers can regularly bring their babies and smallest children to have their health and development examined by a doctor. Of the small and medium-sized cities, one-fourth have no such clinics. One thousand of our 3,000 counties have no public-health nurse who can help mothers with their problems of infant and child care.

Good health in children and good health services for children go hand in hand. Enactment of this bill will do much to increase the number and quality of health services in rural areas and small towns.

Children in some States are handicapped

Disparities between States are equally startling with respect to maternal and infant death rates. In the country as a whole, 40 out of every 1,000 babies born alive die before their first birthday. In Connecticut, however, infant mortality is down to 30 and in Minnesota to 31 per 1,000 live births. In New Mexico, the rate is over 90. If every State had as fine a record as Connecticut's, we could save 31,000 babies every year. We could save the lives of almost 3,000 mothers, too, if every State had as good a record of maternal mortality as Minnesota has.

Passage of this bill will help greatly to bring States with the poorest child-health records up to the level of better States.

TABLE I.—Infants that could have been saved in 1943 if all States had had Connecticut's infant mortality rate

| State | Infant death rate ¹ | Infants that could have been saved |
|---------------------------|--------------------------------|------------------------------------|
| United States..... | 40.4 | 31,029 |
| Alabama..... | 44.8 | 1,169 |
| Arizona..... | 76.7 | 671 |
| Arkansas..... | 37.4 | 325 |
| California..... | 34.4 | 801 |
| Colorado..... | 50.4 | 502 |
| Connecticut..... | 29.8 | 0 |
| Delaware..... | 46.7 | 105 |
| District of Columbia..... | 47.6 | 286 |
| Florida..... | 46.7 | 783 |
| Georgia..... | 46.6 | 1,320 |
| Idaho..... | 32.0 | 27 |
| Illinois..... | 33.3 | 543 |
| Indiana..... | 39.6 | 735 |
| Iowa..... | 34.0 | 199 |
| Kansas..... | 33.6 | 139 |
| Kentucky..... | 50.0 | 1,329 |
| Louisiana..... | 44.7 | 925 |
| Maine..... | 51.3 | 407 |
| Maryland..... | 43.0 | 625 |
| Massachusetts..... | 34.2 | 379 |
| Michigan..... | 38.3 | 1,065 |
| Minnesota..... | 30.9 | 65 |
| Mississippi..... | 46.8 | 1,017 |
| Missouri..... | 40.3 | 759 |
| Montana..... | 38.7 | 102 |
| Nebraska..... | 35.5 | 143 |
| Nevada..... | 52.2 | 63 |
| New Hampshire..... | 46.1 | 152 |
| New Jersey..... | 33.7 | 321 |
| New Mexico..... | 91.6 | 941 |
| New York..... | 32.7 | 717 |
| North Carolina..... | 46.7 | 1,598 |
| North Dakota..... | 34.9 | 68 |
| Ohio..... | 39.1 | 1,346 |
| Oklahoma..... | 42.5 | 619 |
| Oregon..... | 30.0 | 5 |
| Pennsylvania..... | 37.9 | 1,610 |
| Rhode Island..... | 43.5 | 210 |
| South Carolina..... | 55.1 | 1,372 |
| South Dakota..... | 35.7 | 75 |
| Tennessee..... | 44.8 | 1,051 |
| Texas..... | 51.4 | 3,552 |
| Utah..... | 31.4 | 28 |
| Vermont..... | 39.0 | 67 |
| Virginia..... | 47.1 | 1,245 |
| Washington..... | 34.8 | 223 |
| West Virginia..... | 52.1 | 969 |
| Wisconsin..... | 35.0 | 336 |
| Wyoming..... | 37.1 | 43 |

¹ Rate per 1,000 live births.

TABLE II.—Mothers that could have been saved in 1943 if all States had had Minnesota's maternal mortality rate

| State | Maternal death rate ¹ | Mothers that could have been saved |
|---------------------------|----------------------------------|------------------------------------|
| United States..... | 24.5 | 2,972 |
| Alabama..... | 33.5 | 148 |
| Arizona..... | 26.6 | 17 |
| Arkansas..... | 39.4 | 107 |
| California..... | 20.5 | 105 |
| Colorado..... | 25.9 | 28 |
| Connecticut..... | 16.2 | 7 |
| Delaware..... | 24.1 | 6 |
| District of Columbia..... | 21.8 | 12 |
| Florida..... | 37.0 | 106 |
| Georgia..... | 39.2 | 194 |
| Idaho..... | 23.4 | 11 |
| Illinois..... | 20.5 | 96 |
| Indiana..... | 20.0 | 41 |
| Iowa..... | 16.8 | 11 |
| Kansas..... | 21.4 | 25 |
| Kentucky..... | 24.9 | 69 |
| Louisiana..... | 32.1 | 110 |
| Maine..... | 22.1 | 15 |
| Maryland..... | 17.9 | 17 |
| Massachusetts..... | 20.1 | 49 |
| Michigan..... | 18.0 | 45 |
| Minnesota..... | 14.4 | 0 |
| Mississippi..... | 39.4 | 150 |
| Missouri..... | 25.3 | 79 |
| Montana..... | 17.5 | 4 |
| Nebraska..... | 16.8 | 6 |
| Nevada..... | 19.8 | 2 |
| New Hampshire..... | 26.7 | 12 |
| New Jersey..... | 19.4 | 41 |
| New Mexico..... | 46.7 | 49 |
| New York..... | 21.0 | 163 |
| North Carolina..... | 32.4 | 170 |
| North Dakota..... | 29.1 | 20 |
| Ohio..... | 22.5 | 117 |
| Oklahoma..... | 25.1 | 52 |
| Oregon..... | 14.9 | 1 |
| Pennsylvania..... | 24.7 | 206 |
| Rhode Island..... | 22.5 | 12 |
| South Carolina..... | 44.3 | 160 |
| South Dakota..... | 15.6 | 2 |
| Tennessee..... | 29.1 | 103 |
| Texas..... | 25.5 | 183 |
| Utah..... | 15.7 | 2 |
| Vermont..... | 21.9 | 5 |
| Virginia..... | 29.1 | 106 |
| Washington..... | 16.2 | 8 |
| West Virginia..... | 29.1 | 64 |
| Wisconsin..... | 19.7 | 34 |
| Wyoming..... | 15.5 | 1 |

¹ Rate per 10,000 live births.

Family income limits opportunities for health services for many children

Records of infant and maternal mortality in families of different income levels have long demonstrated the greater safety enjoyed by children of higher income families. No child chooses to be born to a low-income family, but that is where at least half of them arrive. Even in the relatively good year of 1940, about half our children were living in families with incomes of less than \$20 a week. Good maternity care cannot be purchased with the leftovers from \$20 a week after food, clothing, and shelter for a family are paid for. Such care costs even the Government, under the emergency maternity and infant care program for servicemen's wives and babies, about \$90. And this is only the beginning of the good medical care and health supervision which every child should have until he is fully grown.

Over 10 percent of all babies are born to Negro mothers. Maternal mortality is more than two and a half times greater among Negro women than among white women. Infant mortality among Negroes is almost twice as high as among whites. Here is another area where the disparity in provision of health services should be corrected.

Many crippled children go uncared for

Perhaps most appalling of all, there is another group of children who are seriously discriminated against. They are the crippled and otherwise handicapped children who now get no care.

Some 100,000 orthopedically-crippled children are receiving hospital and surgical care through the State agencies to which the Fed-

eral Government now contributes funds. These State agencies reported that at the beginning of 1944, 15,000 children on their lists were awaiting care that could not be given because of lack of funds.

Half a million children under 18 suffer from rheumatic fever but State programs for these children can reach only a few thousand each year in 240 of the 3,000 counties. Rheumatic fever in childhood is the forerunner of heart disease in young adults. It kills more children between the ages of 5 and 15 than any other single disease.

There are 70,000 children under 16 with cerebral palsy who could be educated if skilled care were provided them. These children, often mistakenly called "spastics," suffer from injuries, which usually occur at birth, to certain portions of the brain that govern muscular control. The Children's Bureau receives many pathetic letters from parents seeking care for these children, and the number in recent years has been increasing. I, too, since I became chairman of the Subcommittee on Wartime Health and Education, have received quite a number of such letters. Very few States have been able to attempt for even a few cerebral palsied children a correlated program of medical and educational services. The supply of professional personnel trained in the special problems of cerebral palsy is woefully inadequate. Part of the reason is that the care of a child with cerebral palsy is very expensive and must be kept up over a long period.

One and a quarter million children are handicapped with asthma; 35,000 with diabetes; 200,000 with epilepsy. These children require prolonged care. With the exception of one State which cares for a few diabetic children, no provision is made for these children in State programs.

Probably one million children have hearing defects, but with the exception of Maryland and Connecticut, State crippled children's programs have not tackled the problem of their care. Hearing aids are costly and they can now be provided to only a small proportion of the children who would benefit from them.

Again, there are not sufficient funds available today to make it possible for State agencies to provide for children with refractive defects in vision, although there are 10,000,000 children with such defects. Only a small number of children who are blind or partially blind are reached, and yet a large proportion of blindness could be prevented if all children received good health and medical care.

How richly rewarding the provision of care to crippled children can be is dramatically shown in an "Educational and Employment Survey" made 2 years ago by the Kansas Crippled Children Commission. A cross section of persons, now 21 years of age and over, who had received treatment through this commission shows that 90 percent of them were in military service, at work, or in school. Twenty percent of the men who had been crippled were in the military services; 58 percent were employed full or part time. Half of the women were also holding full-time or part-time positions.

OTHER HEALTH AND WELFARE NEEDS OF CHILDREN ARE URGENT

The illustrations just given are a few symptoms of the discriminatory policy we have allowed to operate against the well-being and health of many American children. In no sense are they a total measure of our neglect.

The National Commission on Children in Wartime presents in its report, *Building the Future for Children and Youth*, other evidences of the way we are shortchanging our children. These should give profound pause to us who are responsible for guarding and advancing the general welfare of the Nation: "Probably not half the children of elementary-school age are receiving medical examinations in any one year. Even fewer

high-school students receive such examinations. When examinations are made and defects found, there is seldom any adequate provision for remedial service."

"One out of six small cities has no school-health-nursing services. Half have no school physician."

"At least three-fourths of all school children have dental defects which need care. Provision for corrective dental care of pre-school and school children . . . is seriously inadequate in practically all cities, towns, and counties."

"Only the larger cities have child-guidance clinics."

Social services are lacking

Our neglect of children socially ill, emotionally insecure, or without care or supervision of parents is equally shameful.

Children in need of child-welfare services will be found among these groups:

Nearly 4,000,000 children who have lost 1 or both parents; already 21,000 of these are children of men who have died in this war;

Seven hundred thousand children in homes broken by divorce, separation, or desertion;

Eighty-three thousand or more babies each year born out of wedlock, almost half of them to mothers who themselves are children 19 years of age or younger;

Some 4,000,000 children of mothers who work, many thousands of them wives and widows of war and home-front casualties who will have to continue to support their children after war is won;

Mentally retarded and feeble-minded children;

Children with emotional and personality difficulties that lead to acts of juvenile delinquency and land children in courts and in correctional institutions.

Economic factors often figure conspicuously in these problems of the social health of children. Expansion and improvement of social insurance and public-assistance programs are musts in terms of children. But shoring up the economic security of families is far from being the total remedy. No one would give \$10 to a child suffering from diabetes and tell him to go find some insulin at the drug store. It is as naive to assume that children socially ill, emotionally insecure, or in homes unable to provide the care children need can be made well or properly safeguarded simply by putting more money in their pockets or in the pockets of their parents. Such children need professionally skilled care just as much as does the child suffering from pneumonia or infantile paralysis. The child-welfare worker is to them what the doctor is to the physically sick child. Like the physically ill and crippled, the socially ill and handicapped child often needs a variety of services which only communities can provide, and all too many communities cannot make such services available without help from State and Federal Governments.

With the limited funds which Congress gives the Children's Bureau each year to assist States in developing child-welfare services—a mere \$1,510,000 to cover the country—only 400 counties out of our 3,000 can be served in any one year, and then only partially. This money goes to help States or communities pay salaries and incidental expenses of child-welfare workers. Federal funds are needed but are not now available to pay the cost of foster care for children who cannot be cared for in their own homes, to provide temporary care of children who are now all too often detained in jails, and to finance the return of stranded or runaway children to their home communities. Federal aid in providing daytime care for children of working mothers is also needed and not available except through the wartime Lanham Act. In many places, personnel, facilities, and funds are completely lacking for these purposes; in others, they are grossly inadequate.

Plainly something must be done to stop this unconscionable and costly neglect of the health and well-being of our children.

The prescription offered in the Social Security Act is a good one. Even though it has been applied timidly in the past, it has produced results. Improvement in maternal and child health has taken place in direct proportion to the amount and kind of services and facilities made available. Since the enactment of this law, infant-mortality rates, for example, have been cut one-fourth, maternal mortality one-half. Foundations for an expanded program of child-welfare services have been laid. Applied generously, the social-security method of getting care to children can bring us far along the road to being a Nation worthily serving its children.

STATES DETERMINE PROGRAMS

State departments of health and welfare are the heart and center of the programs proposed by this bill as they are under the Social Security Act. They are the agencies responsible for knowing which children need help and what resources are required to meet their needs.

Each State draws up its own plans for providing maternal and child-health and child-welfare services. Each State works out its own procedures. The role of the Federal Government is one of giving financial and technical aid to the States in their development of sound programs. The authority of the Federal Government is limited to establishing criteria to be used as yardsticks in measuring the effectiveness of State plans and to approving plans that measure up to those criteria.

No one can blueprint at this stage how every dollar, authorized by this bill, will be used to provide each kind of service in each State each year. To attempt to do so would give the lie to the whole theory of this legislation. The States themselves will determine how they want to and can expand their child-health and child-welfare services. The National Commission on Children in Wartime has made some proposals on the allocation of Federal funds. It suggests that the \$50,000,000 for maternal and child health might be divided so that \$25,000,000 go to maternity care and health services for infants and preschool children, \$15,000,000 to school-health services, and \$10,000,000 to dental care of school children. The \$25,000,000 for crippled children, it recommends, should allow \$15,000,000 for the care of the half million children suffering from rheumatic fever and heart disease; \$5,000,000 for orthopedically crippled children; \$5,000,000 for children suffering from other physically handicapping conditions.

Maybe this is a wise allocation of funds. I do not know. I do know that each State will be free to plan according to its own needs to achieve State-wide coverage within a period of 10 years. For the first year, some States may want to spread a few services throughout their areas; others may prefer to develop a comprehensive program in a few communities. All States will want to make certain that the quality of all care provided is good. And all States will know when this bill is passed, that what they cannot accomplish this year they will have a chance to develop in the coming years.

A fair and equitable distribution of Federal funds to the States is assured in this bill. Each State's share will be determined according to the proportion of all children under 21 in the United States who live in the State, according to the special maternal and child-health and child-welfare problems of the State, and according to the financial need of the State in providing care for its children. States with high proportions of children in relation to the adult population or with low per capita income will obtain, under this bill, a more liberal share of Federal support than States that are economically better situated.

TABLE III.—Child care responsibilities are heavier in some States than in others (a comparison by States of the number of children in relation to the number of adults of working age)

| State | Number of children under 15 years per 1,000 adults ¹ |
|---------------------------|---|
| United States..... | 426 |
| New Mexico..... | 678 |
| South Carolina..... | 672 |
| Mississippi..... | 633 |
| North Carolina..... | 628 |
| Alabama..... | 619 |
| Utah..... | 599 |
| West Virginia..... | 594 |
| Arkansas..... | 585 |
| Kentucky..... | 577 |
| Georgia..... | 570 |
| Arizona..... | 563 |
| North Dakota..... | 551 |
| Louisiana..... | 539 |
| Oklahoma..... | 539 |
| Tennessee..... | 538 |
| Virginia..... | 520 |
| Idaho..... | 516 |
| South Dakota..... | 502 |
| Texas..... | 494 |
| Maine..... | 474 |
| Vermont..... | 464 |
| Wyoming..... | 452 |
| Colorado..... | 445 |
| Nebraska..... | 440 |
| Montana..... | 439 |
| Iowa..... | 429 |
| Wisconsin..... | 428 |
| Florida..... | 424 |
| Kansas..... | 421 |
| Minnesota..... | 422 |
| Michigan..... | 419 |
| Indiana..... | 410 |
| Pennsylvania..... | 409 |
| New Hampshire..... | 404 |
| Maryland..... | 396 |
| Missouri..... | 396 |
| Ohio..... | 379 |
| Delaware..... | 373 |
| Rhode Island..... | 364 |
| Massachusetts..... | 359 |
| Nevada..... | 354 |
| Illinois..... | 345 |
| Oregon..... | 344 |
| Connecticut..... | 341 |
| Washington..... | 340 |
| New Jersey..... | 332 |
| New York..... | 321 |
| California..... | 308 |
| District of Columbia..... | 260 |

¹ Persons 20 to 64 years of age. Data from 1940 census.

TABLE IV.—Child-care responsibilities are heaviest in farm areas (a comparison by rural and urban areas of the number of children and infants in relation to the number of adults of working age)

| Type of community | Number of children under 15 years per 1,000 adults ¹ | Number of infants under 1 year per 1,000 adults ¹ |
|----------------------------------|---|--|
| United States..... | 426 | 26.1 |
| Urban..... | 340 | 21.1 |
| Cities of 100,000 or more..... | 311 | 19.0 |
| Cities of less than 100,000..... | 372 | 23.2 |
| Rural..... | 495 | 32.1 |
| Nonfarm..... | 495 | 32.1 |
| Farm..... | 623 | 36.1 |

¹ Persons 20 to 64 years of age. Data from 1940 census.

THIS IS A MODEST BEGINNING

Medical care and health supervision of children is costly in dollars. Reliable authorities estimate it comes to somewhere in the range of \$25 to \$40 a year for each child in the United States. With 40,000,000 children under 18 that represents a total of at least \$1,000,000,000 for the country. A Federal appropriation of \$75,000,000 for maternal and child health and for crippled children for a year cannot go very far in meeting these all-over health needs of children. Even if it were divided with mathematical preci-

sion among all children, it would come to less than \$2 a child. Of course, it will not be so divided, but that kind of calculation helps to indicate the modesty of the approach in this bill.

If we were at peace, the sums called for now would appear inadequate in the extreme. But we are still at war. We can only inch ahead at this time. Many doctors, nurses, and other trained personnel who could help us expand our services for children are in the armed forces. When they are released from service, they will help us. New personnel—and we will need a large expansion—cannot be trained overnight. Health and welfare services, if they are any good, are manned by workers with years of specialized training and experience behind them. The greatly expanded demand for health and social service personnel and the greatly enlarged opportunity for the training of such workers, created by this measure, will make a constructive contribution to our national policy of peacetime full employment.

Obviously, a Nation-wide child-health and child-welfare program is not something that can be created in a year. For that we must have time to develop services, train personnel, develop facilities, conduct research and demonstrations, and educate parents in the use of facilities and in the application of expanding scientific knowledge. The authorizations for appropriations that we are suggesting for this year will give us a fair start toward our objective, though it will be only a beginning.

IN CONCLUSION

What this measure will mean to fathers and mothers cannot be overestimated. For many it will bring enormous release of spirit from the terrible frustration of knowing that their children are suffering under physical and social handicaps which they, as parents, cannot cope with alone. All parents want to see their children grow to maturity physically and mentally fit, able to take advantage of educational opportunities, equipped to assume their position as responsible members of society. When this bill becomes law, they will know that the Nation is backing them up in their efforts to provide good care and insure the development of the full capacities of their children. But no person and no government can remove from parents their primary responsibility for seeing that their children reap the full benefit of the health resources which the community, the States, and the Federal Government make available. That task will always remain their own.

It has been a paradox of government, made up as it is primarily of fathers and mothers, that it has in the past placed such a low priority on developing the conditions and services necessary to assure all children their fair chance in life. Here is our opportunity to reverse our past indifference and neglect. As we take this step we will discover that just as parents delight to put the needs of their children first, and ungrudgingly give them first call on family resources, so the Nation can gain immeasurable satisfaction in making way for all children. Putting children first brings its own reward, as much to a nation as to individual parents.

SUMMARY OF THE PROVISIONS OF THE PROPOSED MATERNAL AND CHILD WELFARE ACT OF 1945

The proposed Maternal and Child Welfare Act of 1945 is an independent piece of legislation to enable the States to make more adequate provision for the health and welfare of mothers and children and for services to crippled children. It is based on the principle of Federal grants-in-aid to the States, and places administrative responsibility on State governmental agencies. It is supplementary to the provisions of title V, parts 1, 2, and 3, of the Social Security Act but does not replace or amend that act. In-

corporated in the bill are such other administrative practices as have proven successful during the past 10 years of Federal-State financing and operation in these specialized fields of public interest. The services under this proposed act will benefit all mothers and children who may elect to participate. This bill sets forth how the Federal and State agencies will cooperate with medical and other professional groups and provides methods for consultation with public representatives.

Following is a digest of the specific provisions of the Maternal and Child Welfare Act of 1945:

TITLE I. MATERNAL AND CHILD HEALTH SERVICES

Purpose

As outlined in the bill, the purpose of this title is to provide services and facilities for:

1. Maternity care, including medical, nursing, dental, hospital, and related services.
2. Preventive maternal and child health work, including mental health.
3. School health services.
4. Diagnostic services and care of sick children, including medical, nursing, hospital, and related services.
5. Dental care of children.
6. Correction of defects and conditions likely to interfere with normal growth and development and the educational progress of children.
7. Demonstration projects in the field of maternal and child health.
8. Training of professional and technical personnel.

Financing

Fifty million dollars is authorized for the fiscal year ending June 30, 1946, and thereafter such funds as may be necessary to carry out the purposes of this title. Money appropriated is to be allotted to the official State health agencies under plans approved by the Chief of the Children's Bureau. Allotments to States by the Secretary of Labor are determined as follows:

1. Five million dollars to be apportioned on the basis of the number of children under 21 years of age in the State to the total number of children under 21 years of age in the United States. This sum must be matched dollar for dollar by State or State and local public funds.
2. Remaining sums appropriated to be allotted without matching after consideration of such factors as the following:
 - (a) The number of mothers and children under 21 years of age in the State for whom services and care are to be available and the cost of furnishing such services and care.
 - (b) Special problems of maternal and child health.
 - (c) Financial need of the State for assistance in carrying out the State plan.

Approval of State plans

The Chief of the Children's Bureau shall approve any State plan for expenditure of funds appropriated under this title which meets the following conditions:

1. Financial participation by the State.
2. State-wide coverage or extension of the program each year so that a State plan adequate to carry out the purposes of the act will be in effect in all political subdivisions of the State by July 1, 1955.
3. As services and facilities are furnished under the plan they shall be available to all mothers and children in the State or locality who elect to participate in the benefits and there shall be no discrimination because of race, creed, color, or national origin, and no residence requirements.
4. Administration or supervision of the plan by the State health agency must be provided for together with appropriate coordination of the State plan under this title with the agency's general public health and medical care programs. State health agencies may develop agreements or cooperative arrangements with other State or

local public agencies in carrying out the purposes of this act.

5. State plan is made a part of State plan for maternal and child health services under title V, part 1, of the Social Security Act.

6. Such methods of administration as are necessary for the proper and efficient operation of the plan, including:

(a) Maintenance of personnel standards and selection on a merit basis.

(b) Standards for professional personnel rendering services.

(c) Standards for hospital and other similar types of care.

(d) Right of beneficiary to free choice of available physician, hospital, clinic, or health service agency, and the right of physicians, hospitals, or clinics to refuse to accept cases.

(e) Maintenance of high quality of care by providing for—

(1) Adequate remuneration for the persons or institutions providing services or care.

(2) Such use of health centers, hospitals, clinics, and health service agencies, public or voluntary, as will achieve satisfactory distribution and coordination of preventive, diagnostic, consultative, and curative services furnished by general practitioners, specialists, public health personnel, and laboratories.

(3) Postgraduate training of professional and technical personnel.

(f) Payments to physicians on a per capita salary, per case, or per session basis, or in the case of consultations or emergency visits on a fee-for-service basis.

(g) Purchase of care from public or voluntary hospitals and other health service agencies on a basis related to cost of providing such care.

7. Dissemination of information in regard to the program.

8. Provision for necessary reports to the Children's Bureau.

9. Provision for cooperation with medical, health, hospital, nursing, education, and welfare groups and organizations in the State.

10. State general and technical advisory groups.

11. Opportunity for the beneficiaries, as well as those furnishing services, for a fair hearing before the State health agency on matters affecting their interests.

The Chief of the Children's Bureau shall approve any plan which fulfills the conditions specified above.

Federal advisory committee

The Chief of the Children's Bureau shall formulate general policies for administration of this title after consultation with (1) a conference of State health officials and (2) a general advisory committee composed of professional and public members, and as necessary, technical advisory committees, which he shall appoint.

TITLE II. SERVICES FOR CRIPPLED CHILDREN

Purpose

As stated in the bill, the purpose of this title is to enable States to provide services and facilities for the care and treatment of children who are crippled, otherwise physically handicapped, or suffering from conditions which lead to crippling, including the following:

1. Locating children in need of services and care.

2. Provision of medical, surgical, corrective, and other services and care.

3. Facilities for diagnosis, hospitalization, and aftercare.

4. Demonstration projects.

5. Training of professional and technical personnel.

Financing

Twenty-five million dollars is authorized for the fiscal year ending June 30, 1946, and thereafter such sums as may be necessary to carry out the purposes of this title. Money appropriated is to be allotted to the responsible State agencies under plans approved by

the Chief of the Children's Bureau. Allotments to States by the Secretary of Labor are determined as follows:

1. Two million five hundred thousand dollars to be apportioned on the basis of the number of children under 21 years of age in the State to the total number of children under 21 years of age in the United States. This sum must be matched dollar for dollar by State or by State and local public funds.

2. Remaining sums appropriated to be allotted after consideration of such factors as the following:

(a) Number of children under 21 years of age in the State for whom services under this title are to be available.

(b) Special problems of crippled children.

(c) Financial need of the State for assistance in carrying out the State plan.

Approval of State plans

Conditions for approval of State plans for services for crippled children under this title are in general the same as those under title I above except that responsibility for administration is placed in State health agencies, or until July 1, 1951, in whichever State agency is designated by State law to administer a program of such services to crippled children. After July 1, 1951, administration under this title would be in the State health agency in all States.

Provision is made that services provided under this act for crippled and other physically handicapped children shall be coordinated with services for mothers and children under title I above.

Federal advisory committees

Provision is made for Federal advisory committees and conferences of State officials.

TITLE III. CHILD WELFARE SERVICES

Purpose

As set forth in this bill, the purpose of this title is to assist each State public-welfare agency to develop State-wide programs for child-welfare programs and measures including:

1. The extension and strengthening of public child-welfare services.

2. Provision of suitable care and protection for children without parental care and supervision and children who are dependent, neglected, or delinquent, or in danger of becoming neglected or delinquent.

3. Training of personnel.

The term "child-welfare services" is defined to include specifically the following services for children:

(a) Guidance and social service to or in behalf of children who are dependent, neglected, or delinquent, or in danger of becoming neglected or delinquent.

(b) Placement, supervision, and maintenance of children in foster-family homes.

(c) Temporary care of children who are dependent, neglected, or delinquent, or in danger of becoming neglected or delinquent, with special consideration in areas where such children would otherwise be detained in jail or deprived of necessary protection and shelter, or study of their special needs.

(d) Specialized services to strengthen and improve the programs of public institutions caring for children.

(e) Care in foster-family homes or day-care centers of children whose mothers are employed, or whose home conditions require care outside their own homes during any part of the 24-hour day, including auxiliary services necessary to assure proper use of day-care facilities and to safeguard children receiving care.

(f) Payment of the cost of returning non-resident children to their own communities if the cost cannot otherwise be met.

(g) Promoting cooperation with appropriate State and community agencies in improving conditions affecting the welfare of children.

Financing

Twenty million dollars is authorized for the fiscal year ending June 30, 1946, and thereafter such sums as may be necessary to carry out the purposes of this title. Money appropriated is to be allotted to the State public-welfare agencies with plans approved by the Chief of the Children's Bureau. Allotments to States by the Secretary of Labor are determined as follows:

1. Ten million dollars to be apportioned on the basis of the number of children under 21 years of age in the State to the total number of children under 21 years of age in the United States. This sum for 2 years must be matched on a variable grant basis by State or State and local public funds. In the third year and thereafter, three-fourths of the sum appropriated must be matched on a variable grant basis.

2. Remaining sums appropriated to be allotted after consideration of such factors as the following:

(a) Number of children under 21 years of age in the State for whom services and care are to be provided.

(b) Special problems of child welfare.

(c) Financial need of the State for assistance in carrying out the State plan.

Approval of State plans

The Chief of the Children's Bureau shall approve any State plan for expenditure of funds appropriated under this title which meets the following conditions:

1. Financial participation by the State.

2. State-wide coverage or plan for extension of the program each year until its provisions are in effect in all political subdivisions of the State by July 1, 1955.

3. Services furnished by the State shall be available to all children without discrimination because of race, creed, color, or national origin, and without residence requirements.

4. Administration or supervision of the plan by the State public-welfare agency, and appropriate coordination of the plan with the agency's general public-welfare program.

5. State plan is part of State plan for child-welfare services under title V, part 3, of the Social Security Act.

6. Such methods of administration as are necessary for the proper and efficient operation of the plan, including maintenance of personnel standards and selection of personnel on a merit basis.

7. Provision for necessary reports to the Children's Bureau.

8. Provision for cooperation with State and local agencies, public and private, concerned with child health, education, child welfare, and related subjects.

9. Provision for a program of training for personnel rendering child-welfare services.

TITLE IV. ADMINISTRATION

This title defines the responsibility of the Secretary of Labor in the withholding of funds when, after opportunity for hearing, a State agency responsible for administration under title I, II, or III of this act is found to have failed to comply substantially with any provision required by the act to be included in an approved State plan.

The Children's Bureau is authorized under this title to make or aid the financing of such studies, demonstrations, investigations, or research as will promote the efficient administration and operation of this act, including the training of professional and technical personnel, and to assign personnel to State agencies, when requested, for the purpose of assisting States to carry out the purposes set forth in the act.

To carry out these functions and to administer the programs provided for under this act, \$5,000,000 is authorized for appropriation to the Children's Bureau.

TITLE V. GENERAL PROVISIONS

The Chief of the Children's Bureau is instructed to make and publish, with the approval of the Secretary of Labor, such rules

and regulations as may be necessary for the efficient administration of this act.

Provision is made for an annual report by the Chief of the Children's Bureau, for appropriate compensation to members of advisory committees, for a definition of the term "State" to include the States, the District of Columbia, and any territories or possessions of the United States, and a separability clause.

CONTRIBUTION OF THE LUMBER INDUSTRY TO THE WAR EFFORT

Mr. MAGNUSON. Mr. President, I have received several letters of late, and yesterday I received another, from people interested in timber in the area from which I come. Typical of the statements made is one in this letter, which I quote:

We were told the other day . . . that there was a feeling among many of our Congressmen and Senators that the lumber industry had not contributed everything it could to the war effort.

I do not know where such statements emanate, because we in Washington feel that the lumber industry has contributed not only a great deal but immeasurably to the war effort.

Mr. President, I ask unanimous consent that the letter may be printed in the RECORD. It shows what the lumber industry in the great Pacific Northwest has done for the war effort.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

WEYERHAEUSER TIMBER CO.,
Longview, Wash., July 19, 1945.

HON. WARREN G. MAGNUSON,
United States Senate,

Washington, D. C.

SENATOR: We were told the other day by a man from Washington that there was a feeling among many of our Congressmen and Senators that the lumber industry had not contributed everything it could to the war effort. This statement seemed to me so unfair that I am impelled, on behalf of the many fine working people who are doing their utmost to bring out logs and manufacture lumber and also on behalf of our company to write you in an effort to acquaint you with certain of the facts and problems of this industry. Naturally I wish to confine myself entirely to the problem of the Longview operation of the Weyerhaeuser Timber Co., for which I am responsible.

You are, I know, familiar with the many complexities of logging and lumber manufacture and are aware that many factors which apply to other manufacturing plants and industries cannot apply to the lumber industry because we are influenced so largely by prevailing weather conditions and the fact that in lumber production men must take the trees which God has grown and produce therefrom material to the best advantage rather than being able to compound alloys and complete assemblies to form a salable product.

At our Longview operation I am positive we have done everything we know how to contribute to the requirements of our Government. We have been honored by the Army and Navy through three E awards for meritorious contributions by our employees and our company. It is true, however, that our production the past 18 months has suffered a decline, of which we are not proud, despite the fact that early in 1942, long before any governmental requirement was demanded of us, we initiated a 48-hour-week schedule, which has been steadily adhered to.

Our production problem and its decline is summed up in the words "lack of manpower." Our normal complement of em-

ployees at the Longview operation is 850 to 900 men in the woods and 1,350 to 1,400 people in the mills. Our employment statistics as of yesterday show that in the woods we had 417 men and in our mills we had 1,051 people working of whom 240 were women. I want to emphasize that we were among the first in this area who used women in the industry and we have consistently made every effort to utilize this important source of manpower.

The women's contribution has been splendid and we are proud of them. The men of our organization, most of whom have been with us for many years, have also performed splendidly. It has been the practice for some months for our people, who recognize the situation in which we find ourselves, to work one and one-half shifts or even two shifts in one day. This effort is telling upon them but had it not been for this assistance our production would have been much less than has been the case. In the woods, many of our highly skilled men have put their shoulders to the wheel in any capacity in order to keep things moving. We are highly appreciative of the effort of these people and feel that any statement that full contribution has not been made would be just as much a reflection on them as it would be on the management of our company.

Our honor roll, which stands outside of our plant, carries the names of over 700 of our people who have entered the armed services. The shipyards at Vancouver and Portland and the aluminum plant in our city have had manpower priorities which have taken their share of people from us. Our recruiting efforts made in a number of areas have been very unsuccessful and I feel that our entire problem of low production is solely due to lack of assistance in obtaining properly experienced people as replacements for those who have entered the armed services.

You may be interested to know that of our total employees on June 30 of 1,505, we paid full 1-week vacation checks to 1,295 people who have been with us 1 year or longer which indicates that the turn-over among our semiskilled and highly skilled workers has been slight, indeed. Many of our men have been with us since the inception of this operation in 1929.

Absenteeism has been a factor with which we have had to contend recently and one which is gradually increasing probably because of overwork although there are among our newcomers many people who are not as interested in their jobs as are our long-time employees. We find a heavy percentage of our absenteeism among these newcomers.

If, during your forthcoming visit home, you can find the time, the writer would very much appreciate a visit from you not only that you might see our operation and meet some of the fine people here but so that we might show you in further detail some of the facts which we have tried to bring to your attention above.

Yours very truly,

H. E. MORGAN, Manager.

TRANSPORTATION OF GRAIN BY THE RAILROADS

Mr. McMAHON. Mr. President, I ask unanimous consent to insert in the body of the RECORD a release dated Monday, July 9, 1945, from the Office of Defense Transportation. The release points out the accomplishments of the railroads of the United States in cleaning up the grain situation in the Middle West which was the subject of investigation by a subcommittee of the Interstate Commerce Committee. I believe it demonstrates that that situation has been taken care of in fine fashion, and that the American railroads and, above all, the railroad men

of this country are entitled to the thanks of the Nation for the great job they have done.

I desire further to commend Col. Monroe Johnson, the Chairman of the Commission and the Director of the ODT, upon his handling of the situation which, to my mind, has been splendid throughout and justifies the colonel's contention that while the hearing and investigation were being held, a fine job was being done and that the investigation not only was unnecessary but superfluous and was not needed to accomplish any end at all.

The PRESIDENT pro tempore. Without objection, the release will be printed in the RECORD.

The release is as follows:

More wheat, grain, and grain products were carried by American railroads during the first half of 1945 than in any like period in the Nation's history, Col. J. Monroe Johnson, ODT Director, announced today.

The total movement for 1945 up to June 30 was 1,243,473 cars, compared with 1,209,403 cars in the first 6 months of 1944, and 1,231,081 in the same period of 1943, the previous high.

"This record is all the more remarkable and is a great tribute to American transportation in view of the acute shortage of boxcars and the dislocation and transportation delays caused by last winter's unprecedented storms," Colonel Johnson said.

The loadings for the entire country for the first half of the year were 34,070 cars more than in the first 6 months of 1944, and 29,906 more in the western districts—including all the railroads in the western grain area—3.7 percent over the 1944 period.

At the same time an easing of the grain-storage situation is indicated, Colonel Johnson said, by a decrease of grain held in storage in elevators from 115,016,000 bushels on June 23, 1944, to 109,287,000 bushels on June 23, 1945, a drop of 5,729,000 bushels. Grain stored at ports decreased in the same period from 26,013,000 bushels to 25,995,000 bushels.

Although there were 211 country elevators closed July 2, 1945, as compared with 207 on July 2, 1944, there was practically no grain on the ground on July 2, 1945—32,500 bushels (11 carloads), as compared with 2,114,000 bushels (1,052 carloads) on July 2, 1944.

At the opening of the harvest season this year there were only 3,000 empty boxcars available for grain movement as compared with 14,000 in 1944, and a normal peacetime supply of 25,000 to 30,000.

"This," said Colonel Johnson, "indicates an extremely efficient use of cars, as shown by the greater 1945 loadings. From April 1 to July 2, inclusive, the railroads moved 102,052 empty boxcars from eastern to western railroads—an average of 1,275 cars per day."

Grain moved from the Lake ports the first 5 months of 1945 totaled 44,146 cars as compared with 15,491 in the same period of 1944, an increase of 28,655 cars.

The Nation's railroads carried 6.5 percent more wheat and other grain and grain products in the week ending June 30 than in the corresponding week of 1944, the ODT announced.

The number of carloads of grain shipped in the week ending June 30 was 62,383 as compared with 58,000 for the same week in 1944. This was the fifteenth consecutive week in which 1945 grain loadings were higher than those of 1944. Total grain loadings for the United States for the first 26 weeks of 1945 were 1,243,473 as compared with 1,209,403 for the first 26 weeks of 1944, an increase of 34,070 cars.

In the western districts grain loadings for the week ending June 30 were 45,973 cars, or an increase of 3,539 cars, or 8.3 percent over the corresponding week of 1944. West-

ern district carloadings for the first 26 weeks of 1945—the half year—were 844,356 as compared with 814,450 for the first half of 1944—an increase of 3.7 percent.

FULL EMPLOYMENT AND SOCIAL SECURITY UNDER A FREE ENTERPRISE SYSTEM—ADDRESS BY SENATOR MURRAY

[Mr. MURRAY asked and obtained leave to have printed in the RECORD an address entitled "Full Employment and Social Security Under a Free Enterprise System," delivered by him before the St. Louis chapter, Missouri Association for Social Welfare, and the St. Louis Chamber of Commerce, on April 20, 1945, which appears in the Appendix.]

MOBILIZATION OF SCIENTIFIC RESOURCES—RADIO ADDRESS BY MARTIN AGRONSKY

[Mr. MAGNUSON asked and obtained leave to have printed in the RECORD a radio address by Martin Agronsky discussing the mobilization of the country's scientific resources, which appears in the Appendix.]

TRIBUTES TO CLAUDE M. DEAN, CLERK OF THE UNITED STATES CIRCUIT COURT OF APPEALS

[Mr. BYRD asked and obtained leave to have printed in the RECORD the tributes paid to Claude M. Dean, clerk of the United States Circuit Court of Appeals, by Senior Circuit Judge John J. Parker and United States District Judge Harry E. Watkins at Hot Springs, Va., on June 8, 1945, which appear in the Appendix.]

MUTUAL HOUSING—LETTER FROM JOHN CARSON

[Mr. WAGNER asked and obtained leave to have printed in the RECORD a letter on the subject of mutual housing, written to him by John Carson, director of the Washington office of the Cooperative League, which appears in the Appendix.]

THE FLAG OF LIBERATION

[Mr. BREWSTER asked and obtained leave to have printed in the RECORD a statement dealing with the flag of liberation which flew over the Capitol on the day the United States declared war on Japan, together with a number of letters and newspaper comment on the same subject, which appear in the Appendix.]

TRANSOCEAN AIR TRANSPORT—EDITORIAL FROM THE HARTFORD COURANT

[Mr. McMAHON asked and obtained leave to have printed in the RECORD an editorial entitled "Transocean Air Transport," published in the Hartford Courant of July 14, 1945, which appears in the Appendix.]

CALL OF THE ROLL

Mr. AUSTIN obtained the floor.

Mr. HILL. Mr. President, will the Senator from Vermont yield to me to suggest the absence of a quorum?

Mr. AUSTIN. I yield.

Mr. HILL. I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

| | | |
|----------|-----------|----------|
| Alken | Bridges | Capehart |
| Andrews | Briggs | Capper |
| Austin | Brooks | Chandler |
| Ball | Buck | Chavez |
| Bankhead | Burton | Connally |
| Barkley | Bushfield | Cordon |
| Bilbo | Butler | Donnell |
| Brewster | Byrd | Downey |

| | | |
|-----------------|-----------|---------------|
| Eastland | McCarran | Russell |
| Ellender | McClellan | Saltonstall |
| Ferguson | McFarland | Shipstead |
| Fulbright | McKellar | Smith |
| George | McMahon | Stewart |
| Gerry | Magnuson | Taft |
| Green | Maybank | Taylor |
| Guffey | Mead | Thomas, Okla. |
| Gurney | Millikin | Thomas, Utah |
| Hart | Mitchell | Tobey |
| Hatch | Moore | Tunnell |
| Hawkes | Morse | Vandenberg |
| Hayden | Murdock | Wagner |
| Hickenlooper | Murray | Walsh |
| Hill | Myers | Wheeler |
| Hoey | O'Daniel | Wherry |
| Johnson, Colo. | O'Mahoney | White |
| Johnston, S. C. | Overton | Wiley |
| Kilgore | Pepper | Willis |
| La Follette | Radcliffe | Wilson |
| Langer | Revercomb | Young |
| Lucas | Robertson | |

Mr. HILL. I announce that the Senator from Virginia [Mr. GLASS] is absent because of illness.

The Senator from North Carolina [Mr. BAILEY] is necessarily absent.

The Senator from Maryland [Mr. TYDINGS] is absent on important public business.

Mr. WHERRY. The Senator from Kansas [Mr. REED] is absent on official business.

The Senator from Idaho [Mr. THOMAS] is absent because of illness.

The Senator from California [Mr. JOHNSON] is necessarily absent.

The PRESIDENT pro tempore. Eighty-nine Senators having answered to their names, a quorum is present.

SENATOR FROM NEVADA

Mr. McCARRAN presented the credentials of E. P. CARVILLE, of Nevada, designated a Senator from that State for the unexpired term of James G. Scrugham, deceased, which were read, as follows:

STATE OF NEVADA,
Executive Department.

TO THE PRESIDENT OF THE SENATE OF THE UNITED STATES:

This is to certify that, reposing special trust and confidence in the loyalty, integrity, and ability of E. P. CARVILLE, I, Vail Pittman, Lieutenant and Acting Governor of the State of Nevada, by the authority in me vested by the Constitution of the United States and by the constitution and laws of this State, do hereby appoint and commission E. P. CARVILLE as United States Senator from the State of Nevada to represent said State in the Senate of the United States and to fill the vacancy in said office, caused by the death of United States Senator James G. Scrugham, to serve as such Senator until the said vacancy is filled at the next general election, and until his successor shall be elected and qualified, as provided by law.

Witness his excellency, our Lieutenant and Acting Governor Pittman, and our seal here-to affixed at Carson City, State of Nevada, this 24th day of July 1945, in the year of our Lord 1945.

VAIL PITTMAN,
Lieutenant and Acting Governor.
By the Lieutenant and Acting Governor:
[SEAL] MALCOLM MCEACHIN,
Secretary of State.

The PRESIDENT pro tempore. The credentials will be placed on file.

Mr. McCARRAN. Mr. President, the Senator-designate is present and ready to take the oath of office.

The PRESIDENT pro tempore. The Senator-designate will present himself at the desk, and the oath of office will be administered to him.

Mr. CARVILLE, escorted by Mr. McCARRAN, advanced to the desk and the oath prescribed by law was administered to him by the President pro tempore.

THE CHARTER OF THE UNITED NATIONS

The Senate, as in Committee of the Whole, resumed the consideration of the treaty, Executive F (79th Cong., 1st sess.), the Charter of the United Nations, with the Statute of the International Court of Justice annexed thereto, formulated at the United Nations Conference on International Organization and signed at San Francisco on June 26, 1945.

Mr. AUSTIN. Mr. President, those who began the study of an American plan for an international organization for security and peace recognized at the outset the truth that a threat to international security and peace occurring anywhere on earth constituted a direct threat to the security and peace of the United States. I speak with knowledge, as an eyewitness, if not a participant in those early negotiations. On May 23, 1942, I began attending meetings in the office of the Secretary of State. These meetings occurred practically every week. It was not until February 21, 1944, that I became a member of the Foreign Relations Committee. Throughout that long period these conferences were held with experts upon nearly every conceivable problem which was expected to confront the United Nations; that is, those countries that would have the responsibility, by virtue of their victory over the enemies, for the establishing of freedom, and security, and peace. We carried on with that idea underlying every plan that was devised. As a product of those weekly meetings, covering a period of approximately 3 years, four different drafts of such American plans were made as a basis for the Dumbarton Oaks proposals. In other words, the oaken beam that supports the superstructure of this building, which will be erected in the ratification of this charter by 29 countries, is the organization of society to suppress such a threat in its inception, and obligate its members to settle their disputes by pacific means. It is to make peace and not to make war.

We interpret everything contained in this charter with reference to the primary objective of security and peace. Of course, the number one necessity is to prevent the determination of international controversies by means of armed force. Therefore we make a solemn and binding obligation here that this country will not resort to armed force in the determination of its controversies with its neighbors in the family of nations. We do that, but so does every other country that becomes a member of the United Nations organization. Therefore no one can say that we have surrendered our sovereignty to somebody. The sovereign equality of nations, both great and small, which was declared in the Moscow declaration as the basis of this general international organization, means equality of independence, and we do not change the relative independence of the United States to all the other members of the United Nations by joining in an agreement by which we promise that

we will not resort to armed force in the determination of our disputes with our neighbors. We do not lose any sovereignty in respect to our neighbors, because each one of our neighbors makes the same surrender—gives up that amount of its independence which is required for the performance of an obligation not to resort to armed force in the settlement of international disputes.

On the constructive side of the matter we have a high and noble objective. We realize that we probably will not reach it on the present level of civilization, but we intend to keep it ever before the people of the earth as an objective that must certainly be reached some time.

That is an entirely new sanction for peace, a sanction other than war, namely, self-discipline of nations. The constructive element that is written into this charter establishes the obligation to use peaceful and pacific methods of determination of controversies, and provides the machinery, ready and adapted to the use of all countries whenever controversies may arise.

In the first place, the General Assembly—which by the San Francisco Conference was developed beyond anything that we originally conceived in setting up that General Assembly—was extended, it seems to me, to the ultimate by giving to that General Assembly jurisdiction over the general welfare of the peoples of the earth. Resort to it can be had by any nation on earth in its controversies; whether they arise over a political matter or an economic matter makes no difference. This great General Assembly based upon the sovereign equality of nations, both great and small, made up of states, not of men, the members of which are always states, and the members of which have an equal vote and an equal independence—this great organization will probably have more moral power than any other organization in the United Nations set-up, notwithstanding the fact that independently of the General Assembly there is a Security Council which has the control of the sword.

In that part of our undertaking—when we make it—which relates to the use of pacific means of settlement of our disputes, we have also the instrument of a court of justice which is a part of this organization—something entirely new in the world. The International Court of Justice, or World Court, as we commonly call it, was never a part of the League of Nations, and never was regarded as being attached to the League of Nations closely enough to make the effort of the members of the League of Nations provide the support and strength which we expect this Court will and should have.

Seventy different times the United States has resorted to arbitration as a means of determining controversies between it and its neighbors in the world. In most cases the decisions, whether for or against the claims of the United States, have been accepted as satisfactory to this country. That type of pacific determination of controversies, therefore, is provided for in this charter as one of the means available to us to work constructively on ways other than war.

Mr. President, I wish to unite a certain declaration made by me in an address at

Chicago November 4, 1938, with the interpretation now being made by me of the charter which is before us. Consequently I quote briefly from that address:

Taking our stand on facts which are beyond controversy and looking ahead, have we not a duty to try to mold opinion in this and kindred governments to develop within themselves a foundation for international faith of a kind that is new in the world?

Omitting the discussion, and coming to the conclusion, I quote further:

Upon our experience with the common law, which to a marked degree has unified Great Britain, Canada, and the United States culturally, may we not aspire to an entente for peace with all nations. Treaties are not necessary. Treaties are ineffectual as shown by the present condition of the world.

Treaties only witness a true union. Its substance, if realized, must be sought for in the sentiments and habits of society. May we not hope and strive for national custom and habit of mind and action which impose restraints without which freedom from international interference is impossible and with which spontaneous support for international law and order would react from every stimulus. Thereupon the world could have peace without the sanction of force—peace based upon moral responsibility.

Mr. President, in my opinion the finest and best promise for peace and security in the world is found in those parts of this Charter which bind us to adopt peaceful methods of determining our controversies, and which set up the machines which we can operate to carry out those obligations.

And right here I wish to help, if I can, to keep the record straight on the nonpartisan character of this charter. It happened to be my lot to act in the conference of the advisory council of the Republican Party held at Mackinac Island on September 7, 1943. To identify this constructive part of the United Nations Charter with the policy of the great Republican Party, I record only one paragraph. The whole declaration could well be cited as evidence of the cooperation of the minority party with the majority in this great effort, but the paragraph to which I refer so directly conforms to that part of the Charter with which I think we have the greatest interest and concern that I would like to read into this Record:

In addition to these things, this council advises that peace and security ought to be ultimately established upon other sanctions than force. It recommends that we work toward a policy which will comprehend other means than war for the determination of international controversies; and the attainment of a peace that will prevail by virtue of its inherent reciprocal interests and its spiritual foundation, reached from time to time with the understanding of the peoples of the negotiating nations.

I believe that the tenor of the plank in the Republican platform adopted at Chicago is in full harmony with this constructive part of the charter which is before us.

During the admirable address of the distinguished Senator from Ohio (Mr. Burton), which emphasized chapter VI, relating to the pacific settlement of disputes, I was prompted to inquire of him if he did not regard the provisions of article 37 as encouraging the development of self-discipline of nations, and

he answered that he did. The reason for that is this: The article provides that the Security Council may do something which it was not originally designed to do. In this regard there is an amplification of the original theory of the Security Council. That is represented in clause 2 of article 37:

2. If the Security Council deems that the continuance of the dispute is in fact likely to endanger the maintenance of international peace and security, it shall decide whether to take action under article 36 or to recommend such terms of settlement as it may consider appropriate.

Mr. CONNALLY. Mr. President, will the Senator yield?

The PRESIDING OFFICER (Mr. MAYBANK in the chair). Does the Senator from Vermont yield to the Senator from Texas?

Mr. AUSTIN. I yield.

Mr. CONNALLY. I apologize to the Senator for not having been here when he began his remarks, but I was engaged in a meeting of the Foreign Relations Committee which was rather urgent.

I heard some of the Senator's remarks awhile ago about the nonpartisan character of our handling of this matter. I wish to say for my own part, as a member of the committee and as an individual, that I greatly appreciate the high motives and the splendid approach which the minority party has shown toward all these negotiations. If the Senator from Vermont did not advert to it, however, I wish to call his attention at this time to the fact that this spirit of nonpartisanship is and has been cordially received by the Foreign Relations Committee for as long as 3 or 4 years ago, and that the committee under my chairmanship appointed a subcommittee to confer with Secretary Hull. That subcommittee was composed of an equal number of members from the minority and the majority and, so far as I now recall, never in the Committee on Foreign Relations was any partisan or narrow political approach ever, at any time, made to this question by either the majority or the minority. It seems to me that my party, along with the party of the Senator from Vermont, is entitled to that commendation when we consider the matter of approach.

Mr. AUSTIN. Mr. President, I am glad to have that remark come from the chairman of the Committee on Foreign Relations. I had assumed that the record already showed the responsibility of the majority party and its effective performance of that responsibility in connection with the development of the Dumbarton Oaks proposals, which were virtually American proposals, and ultimately the amplification of them into this much more effective Charter of the United Nations.

I wish to say in passing that although I have not long been a member of the Foreign Relations Committee, my experience while serving on it has given me great confidence in its chairman, and I recognize his absolute fairness and nonpartisanship in conducting all the matters relating to this Charter. I did not go on that committee until February 21, 1944, and it was on April 23, 1944, that the distinguished senior Senator from

Texas appointed the special committee of eight to continue with the Secretary of State the conferences which had begun way back in May 1942.

Mr. President, I am not trying to persuade anyone to believe he should vote for ratification of the Charter. I expect that the Charter may be adopted unanimously; I hope it may be so. What I am trying to do is to have the RECORD emphasize certain objectives, so as to give vitality and life to the work of the Charter. I am now undertaking to bring out the point that no change in the character of the Security Council was made, although the function of recommendation was added to its other functions. It still remains nothing but a Security Council. It still cannot act and direct peace forces, either of the military or nonmilitary kind, against a threat to international security and peace until it has found the existence of the preliminary jurisdictional fact, namely, that a threat to international security and peace does exist.

What was done by the Charter and what is accomplished by the Charter in the second paragraph of article 37 is not to give the Security Council the power to decide the issue and make a decree which will be binding—nothing of the kind: the Security Council is enabled only to make a recommendation.

Mr. BURTON. Mr. President, will the Senator yield?

Mr. AUSTIN. I yield.

Mr. BURTON. Does the Senator have any doubt, however, on the point which was raised incidentally in the discussion yesterday, namely, that if the Security Council does deem that the continuance of the dispute is in fact likely to endanger the maintenance of international peace and security, it may then proceed actually to recommend terms of settlement? Does the Senator doubt that?

Mr. AUSTIN. I do not doubt it. In fact, that is what I think the language clearly shows.

Mr. TAFT. Mr. President, will the Senator yield?

Mr. AUSTIN. I yield.

Mr. TAFT. The thing which has confused me about this matter is that it is fairly obvious that the Security Council cannot undertake an investigation over anyone's veto, and it is difficult for me to see how it can recommend particular terms of settlements without having made an investigation. Are there to be, perhaps, terms of settlement, as just suggested, as a compromise or something of that sort, rather than thoroughly thought-out terms, after hearing and investigation?

Mr. AUSTIN. I tried to study out what the different practical results of this language are and to my mind it gets down to this: Assuming that the parties to a dispute of the nature referred to in article 33, namely, one which has a tendency to disturb the peace of the world, fail to settle it by the means indicated by the article itself—in other words, appropriate pacific procedures—and assuming that they have tried to do it, and have been unable to determine their dispute, particularly in the case of a disputed boundary line, the Security

Council will make the preliminary finding that that is getting "pretty hot". Let us assume that there has been a mobilization of troops up near the boundary line, and under the circumstances the Security Council feels that it has jurisdiction by virtue of the threat to international security and peace. Mr. President, it shall decide; this is a mandate which must be obeyed in any circumstance. It shall decide whether to take action under article 36—that is, to use peaceful measure of adjustment, appropriate procedures or methods of adjustment—or whether to recommend the terms of settlement itself. All right; let us assume that it decides to pursue the latter course, and that it recommends terms of settlement. But let us also assume that the armies still move on toward the border. Thereupon it becomes the duty of the Security Council to mobilize the effective and ultimate power, namely, armed force—not to make war, but to make peace; to say to those countries, "You cannot use military force for the determination of this boundary line." They will acquiesce because they must. The whole charter is devised on the theory that if armed forces are used at all, they will be superior forces entirely adequate to handle the situation. But there will be left a residue. I see no other way out of it. The practical outcome of the use of this article is that peace will be maintained. War may be prevented as a means of determining a controversy, but we may go on without having the controversy determined. The issue of the boundary line may still be confronting those nations. The remedy for that must come in the future. We cannot expect to have an all too-perfect result.

So, Mr. President, I accept this interference. I call it an interference because the original design of the Security Council was of a perfectly neutral kind. As always in neutrality, it was not ever concerned with the merits of the question. It made no difference to it which side was right or wrong. Its sole objective was to see to it that armed force was not employed, and that war was not started. Of course, this is its ultimate duty because, as I have pointed out, preceding the resort to armed force it had the affirmative constructive purpose of trying peaceful adjustment of the controversy.

Mr. BURTON. Mr. President, will the Senator yield?

Mr. AUSTIN. I yield.

Mr. BURTON. I should like to emphasize, and have the assurance of the Senator if he agrees with me, that this is of particular importance because here we have an opportunity to deal with the terms of settlement of a controversy or dispute between two of the Big Five, or two of the permanent members of the Security Council. As I understand it, if there be a dispute between two of the Big Five, and it reaches the point where it is not settled under article 33, the disputants shall refer the question to the Security Council under article 37. Then the Security Council, under that article, and without the participation of either of those two parties in the voting,

can proceed to recommend terms of settlement between those two major nations.

Mr. AUSTIN. Yes; I think that is perfectly clear. In other words, we do not arrive at frustration merely because the controversy is between two of the permanent members. There is always the possibility of a peaceful settlement. Of course, when it comes to a matter of mobilizing armed forces against one of those major nations constituting the permanent members, we realize that the plan will not work because of the veto.

Mr. BURTON. That is what places so much emphasis on the point which the Senator was making a while ago, namely that the real test of whether the nations involved shall succeed in a great emergency may very well be the test of self-discipline under article 37.

Mr. AUSTIN. Exactly. We have exercised such discipline ourselves on previous occasions. The United States of America has entered upon arbitration, as I have already said, 70 separate times, and in doing so she exercised self-discipline, took her defeat, and submitted to the findings of the arbitral tribunal. It is a matter of the education of nations as much as it has been a matter of the education of individuals, to go down the street and avoid jostling their neighbors. We, as individuals, avoid jostling our neighbors on the street. Why? Is it because the law prohibits jostling? No. With regard to maintaining peace, we avoid disturbing the peace because it has been found that the enjoyment of liberty is preserved by a certain amount of self discipline with respect to freedom of action, and that we must adjust ourselves to the rights of our neighbors.

So it must ultimately be in the family of nations. We must maintain this organization and system of armed force in the present state of civilization, but we ever hold the hope that the time will arrive when we can reduce arms to the minimum, and when the nations of the earth will see to it that they discipline themselves and avoid the causes of war.

Mr. President, I am very well pleased with what was accomplished at Chapultepec. My experience with the Act of Chapultepec was such that I had very definite views and great fears regarding what was going to be the outcome of those early days of the conference in San Francisco.

At Mexico City, on March 7 last, I made a memorandum in a little pocketbook which I carried. That memorandum shows the opinion of the steering committee which studied the Act of Chapultepec with reference to the question: What does the Act of Chapultepec do with respect to the creation of a regional organization? After a pretty thorough debate had taken place in which opposing views had been expressed, I wrote down in pencil a comment, and submitted it to the gentlemen present. These were men who represented the Army, the Navy, the State Department, and forth. Their reply was, "Yes, that is our understanding of the effect of the Act of Chapultepec."

Here is the comment, graphically stated:

Western Hemisphere autonomous until it comes to the use of armed force, but not independent of the world organization. In case of threat to world peace our act is to be delegated by the world Organization.

I was very anxious that the Security Council's jurisdiction over the whole world should not be disturbed by regional organizations here and there, and that it should not be disturbed by the act of Chapultepec and the regional arrangement made for the Western Hemisphere. Yet, I felt that the Act of Chapultepec had set up an organization which should persist even though the United Nations Organization should fail; that it had been set up on such a solid foundation that while the United Nations Organization was in operation and performing its function of preventing war in the determination of controversies among the nations of the Western Hemisphere, it was inactive; the Council of the United Nations was the superior authority but that indefect of action by the World Organization this hemisphere organization had power; in other words, was autonomous, and could use any of the peace forces, whether military or non-military in the absence of action by the Security Council.

Mr. CONNALLY. Mr. President, will the Senator yield?

Mr. AUSTIN. I yield to the Senator from Texas.

Mr. CONNALLY. I have not the text of the Chapultepec Act before me at the moment, but possibly the Senator from Vermont will recall that it was at the suggestion of myself that there was inserted in the act that it should be in conformity with the principles of the World International Organization and should not come in conflict with it, or words to that effect. I do not have the exact language of the Act of Chapultepec as drafted. Has the Senator from Vermont the text?

Mr. AUSTIN. Yes; I have the text. It was in the definition of aggression that the Senator made his suggestion. Here it is—the third paragraph of the declaration—

That every attack of a state against the integrity or the inviolability of territory, or against the sovereignty or political independence of an American state, shall—

Here come the words interposed by the Senator from Texas—

"conformably to part III hereof" be considered as an act of aggression against the other states which sign this act. In any case invasion by armed forces of one state into the territory of another, trespassing boundaries established by treaty and demarcated in accordance therewith shall constitute an act of aggression.

Part III was virtually taken out of the Dumbarton Oaks proposal and adapted to the Western Hemisphere. I will read part III:

The above declaration and recommendation constitute a regional arrangement for dealing with such matters relating to the maintenance of international peace and security as are appropriate for regional action in this hemisphere. The said arrangement and the pertinent activities and procedures shall be consistent with the purposes and

principles of the general international organization, when established.

Mr. CONNALLY. That was the point to which my inquiry was addressed.

Mr. AUSTIN. That was already in the draft of the declaration. What the Senator interposed was the provision "conformably to part III hereof" in the section relating to aggression.

Mr. CONNALLY. That is very true. May I ask the Senator one other question?

Mr. AUSTIN. Certainly.

Mr. CONNALLY. I am sure the Senator may recall that it was also on my insistence that the clause with regard to territory was confined to cases in which the boundaries had been definitely determined and fixed, rather than that nations of this hemisphere should engage in controversies over nebulous and hazy boundary disputes in Central and South America.

Mr. AUSTIN. Yes, Mr. President. Mr. CONNALLY. I thank the Senator.

Mr. MILLIKIN. Mr. President, will the Senator from Vermont yield to me?

Mr. AUSTIN. I yield to the Senator from Colorado.

Mr. MILLIKIN. Is there any doubt in the Senator's mind as to our right if other methods fail in preventing the occupancy of any part of the Western Hemisphere by a foreign nation or in preventing the imposition of foreign systems on this hemisphere to fall back upon the Monroe Doctrine as our justification for our own remedial action?

Mr. AUSTIN. My answer is no; there is no doubt; but I should like to make an explanation. I wish to say that I think there has been some confusion about what the Act of Chapultepec did to the Monroe Doctrine, and what therefore this charter will do further to the Monroe Doctrine. I think that this is the place where we should recur to fundamental principles, as we ought frequently to do, in order to keep from violating them and departing from them.

The Monroe Doctrine is a remarkable doctrine and we have not changed it, notwithstanding all that has happened in various wars. There are two kinds of principles involved in the Monroe Doctrine, namely, positive principles, and negative principles. On the positive side we have said that the States of the American continent by the free and independent condition which they have assumed and maintained are henceforth not to be considered as subject to future colonization by any European power. Again, under positive principles, we have said the political system of European powers is essentially different from that of America, and we should consider any attempt on their part to extend their system to any portion of this hemisphere as dangerous to our peace and safety.

On the negative side, which we often forget but which it is important to remember, we find this: "With the existing colonies or dependencies of European powers we have not interfered, and shall not interfere."

Again, in all the wars of European powers in matters relating to themselves we have never taken any part, nor does

it comport with our policy so to do. That is the Monroe Doctrine on both sides, and no change has been made in the Monroe Doctrine by the Act of Chapultepec, and none will be made by this charter. In other words, the provisions of the Act of Chapultepec and the provisions of the charter are in perfect respect to the Monroe Doctrine and in regard for it, and it will take something more than the creation of an international organization to change our policy.

Mr. MILLIKIN. Mr. President, will the Senator yield again?

Mr. AUSTIN. I yield.

Mr. MILLIKIN. Will the Senator permit me to ask the distinguished chairman of the Committee on Foreign Relations whether he agrees with what the Senator from Vermont has just said? May I ask the Senator from Texas that question?

Mr. CONNALLY. With the consent of the Senator from Vermont—

Mr. AUSTIN. I yield.

Mr. CONNALLY. I do not know that I caught the Senator's question clearly, but, as I understood the question, it was whether the Act of Chapultepec and this Charter in anywise infringe upon our policy known as the Monroe Doctrine.

Mr. MILLIKIN. That is correct.

Mr. CONNALLY. I will say frankly I do not think they do. The primary consideration involved in the Act of Chapultepec was to control international affairs within the Western Hemisphere which do not reach to the larger question which we know as the Monroe Doctrine. I do not think the regional arrangement known as the Act of Chapultepec impairs or infringes the Monroe Doctrine. The Act of Chapultepec in a fashion embraces the Monroe Doctrine for South American countries, many of whom have heretofore been restive and rather resented the Monroe Doctrine. In other words, they are making it applicable insofar as this hemisphere is concerned as between themselves, and so far as European powers are concerned as to establishing their system in this hemisphere, I think that the Monroe Doctrine is still paramount in our national policy, and it is not abrogated, modified, or impinged upon by any provision of the Charter.

Mr. MILLIKIN. I thank the distinguished Senator.

Mr. AUSTIN. Mr. President, recurring to what was accomplished at San Francisco in articulating the charter with the Act of Chapultepec, I say the effect of what was done there in article 51 recognizes the character of the Security Council as the responsible, primary organ of government among nations for the maintenance of security and peace, and in respect to this accomplishment I give my full praise. I had such great fears that I wrote to some of our Representatives from Congress to that meeting at San Francisco upon this subject. I shall not take the time to repeat what I then wrote, but it was early enough to get my views presented before any change was made.

The change made seems to me to harmonize with the original theory which we had of the autonomous character of the regional organization in the Western Hemisphere and of the ability to carry

on and preserve peace in the Western Hemisphere if there were a break-down of the maintenance of security and peace by the United Nations.

Mr. BUSHFIELD. Mr. President—

The PRESIDING OFFICER (Mr. MURDOCK in the chair). Does the Senator from Vermont yield to the Senator from South Dakota?

Mr. AUSTIN. Before yielding, let me finish by getting in at this point precisely what was done.

Article 51 reads:

Nothing in the present charter shall impair the inherent right of individual or collective self-defense if an armed attack occurs against a member of the United Nations, until—

I emphasize the word "until"—

until the Security Council has taken the measures necessary to maintain international peace and security. Measures taken by members in the exercise of this right of self-defense shall be immediately reported to the Security Council and shall not in any way affect the authority and responsibility of the Security Council under the present charter to take at any time such action as it deems necessary in order to maintain or restore international peace and security.

In other words, this leaves the regional arrangements in the Western Hemisphere autonomous, though not independent, even to the point of mobilization of armed forces to prevent war, until the Security Council has acted, and then the hemispheric arrangements are subordinate to and delegated by the Security Council.

Mr. VANDENBERG. If the Senator will permit me, until the Security Council has acted adequately.

Mr. AUSTIN. Yes; I thank the Senator very much for emphasizing "adequately."

Mr. CONNALLY. Mr. President, will the Senator from Vermont yield?

Mr. AUSTIN. I yield.

Mr. CONNALLY. I wish to say to the Senator, at the risk of being considered somewhat boastful, that I take great pride in the fact that in the Conference I suggested the word "until." We were casting about for appropriate language to integrate the matter and there was some confusion, and, as members of the American delegation, the Senator from Michigan [Mr. VANDENBERG] and I advanced the word "until," and it immediately received confirmation and adoption by the Conference.

Mr. AUSTIN. It is a striking coincidence that that was the word I used in those very brief notes made on March 7 describing the effect of the Act of Chapultepec, "Western Hemisphere autonomous until."

I yield to the Senator from South Dakota.

Mr. BUSHFIELD. Mr. President, articles 52, 53, and 54, as the distinguished Senator has said, refer to regional arrangements. I call the Senator's attention to the fact that historically and authoritatively the Monroe Doctrine is not a regional arrangement. It was never so considered, and is not now. It is a unilateral statement of foreign policy by the American Government. Does the Senator consider it in that light?

Mr. AUSTIN. Yes; the Senator is quite right; it is a unilateral declaration by the United States of America, and it is not touched by this. The same principle is involved in the numerous agreements which were made among the Latin-American states beginning with what is called the act of Habana of 1940. The same doctrine of nonintervention was adopted by the South American states, and is repeated in the Act of Chapultepec, but it does not abrogate or cut across the bow of the Monroe Doctrine in any way. That is our special doctrine.

Mr. BUSHFIELD. I thank the Senator.

Mr. CONNALLY. Mr. President, I dislike to interrupt the Senator again—

Mr. AUSTIN. I am very glad to have the Senator do so.

Mr. CONNALLY. The Senator from South Dakota says that the Monroe Doctrine was a unilateral doctrine. It was unilateral, but to my mind it has come to be more than a unilateral doctrine by the acceptance by other nations of the Monroe Doctrine. European nations have come to respect it and to recognize it, and it was specifically provided in the League of Nations that there was nothing in anyway interfere with the operation of the Monroe Doctrine. That was a recognition by all the signatories to that treaty, at least, that it was an acknowledged doctrine, and recognized by other nations.

Mr. BUSHFIELD and Mr. BURTON addressed the Chair.

The PRESIDING OFFICER. Does the Senator from Vermont yield, and if so to whom?

Mr. AUSTIN. I yield first to the Senator from South Dakota to complete his statement on this subject.

Mr. BUSHFIELD. As I understand the Monroe Doctrine, I may say to the Senator from Texas, it originated out of the fact that South American Republics were colonies at that time of Spain and Portugal, and there was a definite feeling in European circles that they should interfere on the South American continent and reinstate the power and control of Spain and Portugal within that area. At that time there was also the fear in this country that Russia was going to move in on our northwestern coast, and President Monroe and his advisers issued the statement as a statement of the foreign policy of this Republic.

Mr. AUSTIN. I thank the Senator for his contribution and thought on this subject. I adopt the language I have before me on this subject, because I think it represents my views better than I could state them. I may say that the author is Mr. Livingston Hartley, and the quotation is from a weekly mimeographed letter written by him and published in the Washington Letter on the United Nations in the issue appearing on March 24. Mr. Hartley's statement is as follows:

Some confusion has arisen as a result of the Mexico conference over the status of the Monroe Doctrine. Some people have thought after reading press reports of the conference that the Doctrine has now been replaced by the Act of Chapultepec. This is not the case.

Actually, the Monroe Doctrine has not been affected by the actions of the conference in

Mexico. It has been complemented by these actions, not replaced. The doctrine was announced in 1823 by the United States. It has not been denounced or modified by the United States. It remains as always a United States policy covering the security of the Americas. Now, however, it may be visualized as a third line of defense, the first consisting of the machinery for international security now being created and the second consisting of the Act of Chapultepec and other inter-American agreements providing for common action against aggression from overseas. The Monroe Doctrine would still remain operative if the first two lines should be breached.

That, rhetorically, pictures the situation just as all visualize it. I am grateful that our representatives at the San Francisco Conference, the distinguished chairman of the Committee on Foreign Relations, the Senator from Texas [Mr. CONNALLY] and the acting leader on the Republican side, the Senator from Michigan [Mr. VANDENBERG] adhere to the principle that the Security Council is the first line of defense, that it is the responsible organization in all the setups, whatever they are, for preventing the use of war as a means of determining disputes. And now I also like this idea that the Act of Chapultepec is the second line of defense so far as the western hemisphere is concerned, and that, in any event, there stands the Monroe Doctrine to be invoked by either.

Mr. BURTON. Mr. President, will the Senator yield?

Mr. AUSTIN. I yield.

Mr. BURTON. Just as a matter of detail, does not the Senator attach some significance to the fact that in line with what has been said by the Senator from South Dakota [Mr. BUSHFIELD], article 51, which deals particularly with the Monroe Doctrine and the situation raised by the Act of Chapultepec is in chapter VII, whereas chapter VIII, which deals with regional arrangements is an entirely separate chapter; so that this article 51 we have been discussing does not come under chapter VIII entitled, "Regional Arrangement."

Mr. AUSTIN. I do attach significance to it. It shows that it was intended to keep steadfast this primary jurisdiction of the Security Council over the subject of threats to the peace, breaches of the peace, and acts of aggression to which chapter VII is devoted. Yet, notwithstanding that, it does directly answer the question with reference to the autonomous character of these regional organizations.

Mr. President, I want it clear that I do not regard the arrangements made between Britain and Russia, France and Russia, Czechoslovakia and Russia, as regional arrangements within the meaning of this section of the charter which is before us. I regard them as coming under another section of the charter which has to do with the responsibility that falls upon the victorious nations in warfare.

Mr. VANDENBERG. That is correct.

Mr. AUSTIN. I hear from my distinguished colleague from Michigan [Mr. VANDENBERG] that that is his view also.

Does the Senator from Texas agree with that?

Mr. CONNALLY. I am not prepared at the moment, without a little review of what transcribed, quite to agree with that, because, as I recall, it was the view of France and Russia that they did partake of the nature of a regional arrangement rather than to what is provided by the article to which the Senator refers concerning the nations who had the responsibility for winding up the affairs of the World War. Of course, all the United Nations would have that responsibility in the peace treaty.

Mr. VANDENBERG. Mr. President, will the Senator yield?

Mr. AUSTIN. I yield.

Mr. VANDENBERG. My comment was based on the fact that the special treaties to which the Senator refers clearly are recognized in article 53 rather than in the chapter on regional arrangements, as I view it.

Mr. AUSTIN. Mr. President, they are also recognized in article 107, providing as follows:

Nothing in the present charter shall invalidate or preclude action, in relation to any State which during the Second World War has been an enemy of any signatory to the present charter, taken or authorized as a result of that war by the governments having responsibility for such action.

Mr. VANDENBERG. The Senator is correct, and the article he now reads is identified in article 53 to which I referred.

Mr. AUSTIN. Mr. President, I want to conclude by saying I think it is important to recognize that distinction between what constitutes a regional arrangement as meant in this charter and what constitutes a mere extension of the military control over the enemy.

Mr. BURTON. Mr. President, will the Senator yield?

Mr. AUSTIN. I yield.

Mr. BURTON. Before leaving the discussion of article 51, so much has been said and so much is well known as to the origin of that article and its relation to the Monroe Doctrine and the Act of Chapultepec, I just want to ask the Senator: There is nothing in the article, or his interpretation of it, is there, that would limit it solely to the Monroe Doctrine or to the Western Hemisphere when it provides—

Nothing in the present charter shall impair the inherent right of individual or collective self-defense.

I take it "collective self-defense" may take place in any part of the world and should not be interpreted as being limited to the Western Hemisphere?

Mr. AUSTIN. I think it is wise to bring that out. I do not think it was so considered in the Conference at San Francisco—was it?

Mr. VANDENBERG. No; and the best proof of it is the fact that the reference to "collective self-defense" is not in the regional arrangements chapter.

Mr. AUSTIN. Yes. But does not the Senator recognize that, notwithstanding that it is not in there, it does apply to regional arrangements?

Mr. VANDENBERG. Oh, absolutely.

Mr. AUSTIN. Yes.

Now, Mr. President, there has been some debate, which I regard as prema-

ture, but which nevertheless I do not regret, because it is well to have an understanding among ourselves of what our action means and it is well that we do not adopt this charter with our foot in the door, keeping it open for an escape from it by and by. I have confidence that article 104 providing for this organization a legal capacity adequate for the exercise of its functions and the fulfillment of its purposes, created a legal entity, as described by the distinguished Senator from Texas, in the world, which has characteristics of a state.

Other parts, notably article 24 of the charter provides that this organization never acts on behalf of itself, but acts on behalf of all its members, and if a treaty should be necessary to be entered into between the United States and the Security Council for the purpose of determining the number of troops and the description of them, it is my understanding of this charter that the Security Council binds us to all the other members of the United Nations when it enters into an agreement with us. If that is not the interpretation held by our distinguished representatives who are here, I should be glad to have them interrupt and challenge that interpretation. Certainly there was the intent that this organization should be able to function, and function in all respects, as well as in any particular. Where we say that we bind ourselves to enter into an agreement with the Security Council relating to the character of the troops that shall be subject to call by the Security Council, we give the Security Council the legal capacity to make out the paper, of whatever dignity, that is necessary to make that a binding obligation on our part.

Mr. President, I think I ought to put in the Record rather than discuss, because I do not want to prolong this discussion unnecessarily, some views regarding the legality, I mean constitutionality of course, of acts of the President of the United States in enforcing the law. There is nothing imposed upon him by the Constitution that is more mandatory than that he shall take care—take care that the laws are faithfully executed.

Mr. CONNALLY. Mr. President, I am sorry to interrupt the Senator, but the Senator has requested that the Senator from Michigan or I interrupt him—

Mr. AUSTIN. Yes.

Mr. CONNALLY. Not for the purpose of taking issue with him, but rather for the purpose of agreeing so that the Record may show our attitude.

Article 104, it seems to me, gives legal status to the creation, as it were, of the Security Council into a legal entity, when it says:

Such legal capacity as may be necessary for the exercise of its functions and the fulfillment of its purposes.

That capacity applies to the Security Council in the performance of any of its duties. As to those duties it has a legal status and is a legal creature. I wish to express that thought because of the Senator's invitation to take issue with him if we disagreed. I do not disagree.

Mr. AUSTIN. I thank the Senator for his statement.

Mr. VANDENBERG. Mr. President, will the Senator yield before he goes to another subject?

Mr. AUSTIN. I yield.

Mr. VANDENBERG. I should like to add one thought to the discussion on the inter-American system. At the San Francisco Conference there were 20 republics, other than our own, from the Americas, whose representatives were standing very vigilant guard over the inter-American system, and over everything that it means to our long-time mutual peace in this western world. They were very critical of what was taking place at many points. The distinguished Ambassador from Bolivia, who sits in the diplomatic gallery at this moment, was at the head of his delegation in San Francisco, and he, with other South American and Central American delegations, would never in this world have allowed their signatures to be put upon this Charter if the essence of the inter-American system had not been totally preserved. So I think the able Senator from Vermont is justified in saying that while we succeeded in totally integrating the inter-American allied system into the parent institution, or what is to be the new world organization, and fully protected the ultimate integrity of the world organization, beyond any shadow of doubt the signatures of our 20 sister republics to this treaty is proof conclusive that we have preserved the inter-American system.

Mr. AUSTIN. Mr. President. I can understand that fully. I know the earnestness and solemnity with which those American republics entered into the Act of Chapultepec, and I am very glad to have this comment from the distinguished Senator from Michigan with respect to their attitude at San Francisco.

However, I feared the possibility of a new type of isolationism, springing out of what seemed to be a controversy there over the relationship between the inter-American regional arrangement and the scope of the authority of the Security Council. I think, however, that the question was handled admirably, and that the outcome is very fine.

Mr. VANDENBERG. If the Senator will further yield, I think his fear of the controversy to which he refers relates, perhaps, to a phase of the matter which did not involve a controversy between these two systems at all. I think that controversy, if it was such, arose simply from a very scrupulous desire to see to it that there should be no gap in the operations of the inter-American system on the one hand and the world security system on the other, and that we should not fall between the two stools.

Mr. AUSTIN. That is correct.

Mr. VANDENBERG. But that they should always protect us.

Mr. AUSTIN. Yes. I believe that the adoption of the word "until" closed the gap.

Mr. VANDENBERG. That is correct.

Mr. AUSTIN. Mr. President, I am one of those lawyers in the United States who believe that the general powers of the President—not merely the war powers of the President but the general authority of the President—are commensurate with

the obligation which is imposed upon him as President, that he take care that the laws are faithfully executed. That means that he shall take all the care that is required to see that the laws are faithfully executed.

Of course, there are other specific references in the Constitution which show that he has authority to employ armed forces when necessary to carry out specific things named in the Constitution; but the great over-all and general authority arises from his obligation that he take care that the laws are faithfully executed. That has been true throughout our history, and the Chief Executive has taken care, and has sent the armed forces of the United States, without any act of Congress preceding their sending, on a great many occasions. I have three different compilations of those occasions. One of them runs as high as 150 times; another of them 72 times, and so forth. It makes a difference whether we consider the maneuvers which were merely shows of force as combined in the exercise of this authority—as I do—or whether we limit the count to those cases in which the armed forces have actually entered upon the territory of a peaceful neighbor. But there is no doubt in my mind of his obligation and authority to employ all the force that is necessary to enforce the laws.

It may be asked, How does a threat to international security and peace violate the laws of the United States? Perhaps, Mr. President, it would not have violated the laws of the United States previous to the obligations set forth in this treaty. Perhaps we have never before recognized as being true the fundamental doctrine with which I opened my remarks. But we are doing so now. We recognize that a breach of the peace anywhere on earth which threatens the security and peace of the world is an attack upon us; and after this treaty is accepted by 29 nations, that will be the express law of the world. It will be the law of nations, because according to its express terms it will bind those who are nonmembers, as well as members, and it will be the law of the United States, because we shall have adopted it in a treaty. Indeed, it will be above the ordinary statutes of the United States, because it will be on a par with the Constitution, which provides that treaties made pursuant thereto shall be the supreme law of the land.

So I have no doubt of the authority of the President in the past, and his authority in the future, to enforce peace. I am bound to say that I feel that the President is the officer under our Constitution in whom there is exclusively vested the responsibility for maintenance of peace. Therefore, I say that when the time comes for us to establish the characteristics of office of our delegate to the Security Council, we shall have to conform to our Constitution with respect to the officer under whom that delegate must act. I have taken care, in all public utterances in which I have referred to this authority, to state the proposition somewhat in this form and substance:

I advocate investing that delegate with authority to mobilize all kinds or any kind of peace forces, either military or

nonmilitary, for the purpose of preventing war, subject, however, to customary governmental processes. It is always meant that he be under the President, or under the President and Cabinet, or that his authority be provided for without setting up an unconstitutional office.

Mr. GEORGE. Mr. President, will the Senator yield to me?

The PRESIDING OFFICER (Mr. THOMAS of Oklahoma in the chair). Does the Senator from Vermont yield to the Senator from Georgia?

Mr. AUSTIN. I yield.

Mr. GEORGE. I am sure the Senator from Vermont means to qualify his statement by the statement that the power to declare war nevertheless finally rests in Congress.

Mr. AUSTIN. Oh, yes.

Mr. GEORGE. And that it cannot be exercised by the President.

Mr. AUSTIN. Oh, yes, Mr. President.

Mr. GEORGE. And also, I am sure, when the Senator from Vermont speaks of the duty of the United States faithfully to execute all the laws, including treaties, that are made pursuant to the Constitution, he means that duty devolves upon the President to execute this treaty and to preserve the peace by the means and methods and in the way provided in this treaty. The Senator is not generalizing, I hope, when he says the President is charged with the responsibility of maintaining peace all over the world, regardless of this treaty.

Mr. AUSTIN. No. I expressed some doubt as to whether the President could regard a disturbance of the peace anywhere on earth as an attack upon our own law until we adopt this Charter.

Mr. GEORGE. So, Mr. President, what the Senator from Vermont is saying comes back finally to the thesis that the President will be bound faithfully to execute this charter and to preserve the peace by the methods and in the manner set out in the charter, as provided in the charter; is that correct?

Mr. AUSTIN. Yes. I thank the Senator for calling attention to these points.

Mr. President, it had been my purpose to make perfectly clear that I do not hold for authority to make a declaration of war to be given generally in advance to our delegate to the Security Council. Certainly I have too much respect for the necessity, under our institutions, of having that left up to Congress to permit any such statute as that set up here to have that effect.

The point concerning which I wish to be on record is just that I think we cannot go outside the Constitution and create a statutory office that will vest in the officer who occupies that office these powers which are by the Constitution imposed upon the President of the United States. In other words, I think our enforcement of peace within the four corners of the Charter to which we subscribe devolves upon the President under the Constitution, and that we in creating the new office must create it subordinate to the President and answerable to the President, so that our delegate who attends the continuous sessions for which the charter provides will receive his instructions from the President. Mr. President, we remember that the Charter

provides that the Security Council shall be so set up as to be continuous in operation, to be continuously functioning. That is something new, something very important and very useful for the cause of peace. They will be able to see the progress of events which might lead to trouble. They will inform the governmental agencies to which we say they shall immediately report, and the delegate will receive his instructions according to the method which we by statute say must be followed.

But even if we did not set up the method or prescribe the limitations upon his power and make requirements as to how he should use it, I say he could not exercise power except under the supervision of the President of the United States.

Mr. President, many men have stated this publicly and have supported the doctrine by briefs. I have an excellent brief which was prepared by John W. Davis, W. W. Grant, Philip C. Jessup, George Rublee, James T. Shotwell, and Quincy Wright, and was published in the New York Times on November 5, 1944. I should like to have it printed at this point in the RECORD, Mr. President.

There being no objection, the brief was ordered to be printed in the RECORD, as follows:

OUR ENFORCEMENT OF PEACE DEVOLVES UPON THE PRESIDENT—CONGRESS MAY AUTHORIZE EXTRATERRITORIAL USE OF FORCE, BUT CONSTITUTION IS HELD TO PLACE RESPONSIBILITY FOR PROMPT ACTION DIRECTLY UPON THE EXECUTIVE

(Those who have collaborated in the following letter are men of broad experience and international reputation. Mr. Davis, among other distinctions, has been Solicitor General of the United States, Ambassador to the Court of St. James's, president of the American Bar Association, and Democratic candidate for President. Mr. Grant is a member of the Council of the National Civil Service Reform League and a former president of the Colorado Bar Association. Dr. Jessup is professor of international law, Columbia University, and a former Assistant Solicitor, Department of State. Mr. Rublee was legal advisor to the American delegation at the London Naval Conference and director of the Inter-Governmental Committee on Political Refugees. Dr. Shotwell is professor emeritus of the history of international relations, Columbia University, and chairman of the Commission to Study the Organization of Peace. Dr. Wright is professor of international law, University of Chicago, and consultant to the Foreign Economic Administration and the Department of State.)

To the EDITOR OF THE NEW YORK TIMES:

Can the President authorize the use of American armed forces to carry out the Dumbarton Oaks proposal?

The Dumbarton Oaks proposal for a general international organization authorizes the Security Council, in which the United States will always be represented, to decide upon the measures to be taken to maintain or restore peace and security. The Council may call upon members to apply diplomatic, economic, and other nonmilitary measures, and, if it does not consider these adequate, to "take such action by air, naval, or land forces as may be necessary," utilizing for this purpose forces made available to it by special agreement of the members and national air force contingents held immediately available by the members of the organization for combined international enforcement action.

These provisions raise constitutional issues in the United States as to the powers of the President to authorize the use of American

forces when called for by the Security Council.

PROMPT ACTION NEEDED

The Dumbarton Oaks proposal recognizes the need to provide effective sanctions against aggression and the need to assure that such sanctions will operate certainly and rapidly. It has been suggested, however, that congressional control of major uses of national forces should be preserved.

Unless the general international organization create confidence that any aggression will immediately be confronted by force able to frustrate its success, it will lack deterrent effect. A potential aggressor will be likely to assume the risk if he thinks sanctions will be slow and uncertain.

On the other hand, a system under which the forces of the peace-loving states will immediately and certainly confront the aggressor deprives the legislative body of the opportunity to debate and to exercise judgment on the expediency of contributing to the international sanctioning effort. The opportunity of the legislative body to control the national sword and purse has been a major factor in the growth of constitutionalism and democracy and in the prevention of autocracy and tyranny. Democracies will not willingly part with this control.

REAL DILEMMA SEEN

Is it possible to preserve for legislative bodies real discretion in controlling national contributions to international action against aggression without destroying the certainty and speed of such action? There is unquestionably a real dilemma. Forcible action does not have the character of a legal sanction unless it operates immediately and certainly upon the occurrence of a crime. While the police and the sheriff may debate upon the method of action to be taken in a particular emergency, if they are free to deliberate upon the expediency of taking action at all, the law will lose its force and the society will tend toward anarchy. It is the lack of sure and certain sanctions against law-breaking that has made international law weak and the community of nations a frequent prey of violence. This lack can in no small measure be attributed to the desire of the democratic and peace-loving states to preserve the sovereign discretion of their legislative bodies to decide upon the use of their forces. The autocratic aggressors are under no such constitutional limitations. Consequently in international affairs the criminals have been armed, ready, and rapid, while the police forces have been scattered, unorganized, and unready.

The Dumbarton Oaks proposal seeks to solve the problem by distinguishing forces immediately available to the international authority as the spearpoint against aggression, from national forces usable only when the national legislative body, which is pledged to contribute to the international action, finds that the situation is so serious that the international forces are inadequate.

This distinction resembles that which exists within the United States between the uniformed police, immediately available to the local authorities to apprehend and suppress crime, and the State militias and National Army, which, while ultimately available to maintain order, can be used only in serious situations and under the direction of State and national authorities.

This distinction is in fact recognized in United States constitutional law in respect to international uses of force. The President as Commander in Chief and head of the executive department of Government has power under the Constitution and standing legislation to employ the armed forces for protection of United States citizens or agencies abroad, for the defense of the territory of the United States, and for the prevention of offenses against the law of nations or violations of treaties. This power of the

President has been distinguished from the power of Congress to declare war.

PRESIDENT HAS ACTED

In the constitutional sense, war refers to a situation where the President may use the armed forces to the fullest extent permitted by the international law of war and may exercise extensive war powers affecting individual, personal, and property rights. Furthermore, a state of war permits belligerents to seize and confiscate or condemn types of enemy and neutral property and to terminate or suspend many treaties, contracts, and other legal instruments. The final determination that such a situation exists belongs to Congress. The President has used the forces on a large scale to meet serious external attacks or internal insurrections, and has even recognized states of war thrust upon the United States, before Congress has declared war, but, in such circumstances, he has always laid the situation before Congress for its judgment as soon as possible. (See the *Prize Cases* (2 Black 635).)

This distinction between war in the constitutional sense and lesser uses of force in international relations is not easy to define precisely and has baffled the courts. The hostilities with France in 1798, with Tripoli in 1801, with Algiers in 1815, and on the Mexican border in 1913, have sometimes been called war, and sometimes not. (*Bas v. Tingy* (4 Dall. 37, 44); *The Amella* (1 Cranch 1, 29-30); *Gray, Adm'r v. United States* (21 Ct. Cl. 340, 374); *Ex parte Toscano* (208 Fed. 9381); Hyde, *International Law* (II, 191-193); Wright, *Control of American Foreign Relations* (pp. 284-310).) The Civil War began through Presidential action calling forth the militia and proclaiming a blockade to suppress insurrection, but it was presently characterized by the Supreme Court as "war" not only in the material but also in the legal sense. (*The Prize Cases*, op. cit.)

Though the distinction between the situations where the President can act alone and where he must get the consent of Congress is difficult to define, upon its recognition and its observance in good faith depends the maintenance in times of crises on the one hand of constitutional government and on the other of international order.

CONSTITUTIONAL LAW INVOLVED

It must be emphasized that this problem is one of American constitutional law. So far as international law is concerned any employment of constitutional "war" powers by the United States, if authorized by the international organization to enforce international obligations, would not be "war." International law distinguishes war in which the parties are regarded as equally entitled to pursue their policies by force from uses of force as a measure of defense or sanction authorized by international law.

The foregoing discussion suggests that a proper system of international organization of security should provide, as does the Dumbarton Oaks proposal, a relatively small force immediately available to the international council for action against aggressors without need of legislative action by the various states.

This force might consist of limited national contingents which the executive may use whenever the international council has found that aggression exists; or the international council itself might organize a volunteer international force, such as an air force, based on certain internationalized islands or other bases. In either case, such forces would be limited in size and their use, while adequate to deal with minor disturbances of international peace, would not create a situation of war in either the constitutional or the international sense. Such forces would, however, create a conviction that law breaking would be immediately followed by coercive action in behalf of the community of states.

If, however, the world is faced by a serious aggression, while these limited forces would be immediately available to the international council, it would be understood that in the United States the President would immediately call upon Congress to examine the situation and to make available further forces or to authorize the full use of war powers, if it were felt that this was required in order to fulfill the obligations of the United States under the international security organization.

It is doubtless true that Congress will feel a certain hesitancy in permitting the President, acting through the Security Council, to engage even a small policing force in international action because it will fear that this might commit the United States to further military action and thus might impair the discretion of Congress in respect to engagement in "war."

POWER TO USE FORCE

It is to be observed, however, that in this respect the participation by the United States in an international security organization would not change the situation from that which has always prevailed. The President has always had the power under the Constitution to use force when he deemed it necessary to protect American citizens abroad, to prevent an invasion of the territory, or to suppress insurrection, and such action has sometimes preceded war.

On numerous occasions, such as the use of force in the Boxer episode of 1900 and interpositions to protect American lives in Mexico, Haiti, Nicaragua, and other places, action was not followed by war. Presidential action, however, preceded congressional action in the Mexican War (1846), the Civil War (1861), the Spanish-American War (1898), and World War I (1917). (Wright, loc. cit.) Congress has always been dependent upon the good faith of the President in calling upon it when the situation was so serious that a large-scale use of force may be necessary.

It would even appear that the prerogatives of Congress would be better protected under an international security system. The publicity which would attend any decision of the Security Council calling for sanctioning action against aggression would create an awareness in Congress of the nature of the situation, an awareness which has sometimes been lacking in the past. Consequently, if extensive use of force should probably be necessary, the President could hardly avoid laying the whole matter before Congress.

Furthermore, an international security system would make it possible to deal with potential or threatened aggressions at an early stage, when the limited forces made available for international enforcement action would be sufficient. The successful functioning of such a system would so reduce the probability of major aggressions that occasions would seldom arise when Congress would be called upon to exercise its extraordinary power in meeting them.

EXECUTIVE MAY MOVE

With these considerations in mind there can be no doubt of the propriety of the President's use of his powers to carry out a commitment for participation in international policing such as that proposed at Dumbarton Oaks. Nor can there be doubt of his constitutional right to utilize contingents of the armed forces for this purpose.

The Supreme Court has explicitly recognized that the President has both the right and duty to utilize his powers as Commander in Chief to see that the laws are faithfully executed (*In re Neagle* (135 U. S. 1, 65); *United States v. Curtiss-Wright Corp.* (299 U. S. 304, 318); Constitution art. II, sec. 3) and it has declared that the "laws" include rules of general international law (*The Paquete Habana* (175 U. S. 677)) and agreements binding the United States (*United*

States v. Belmont (301 U. S. 324, 331); *United States v. Pink* (315 U. S. 203, 229), as well as the Constitution, treaties, and acts of Congress (Constitution art. VI.)

Congress may provide for the extraterritorial use of force in future contingencies under its powers to punish piracies and offenses against the Law of Nations (*United States v. Arjona* (120 U. S. 479, 483)) and to make all laws necessary and proper for executing treaties (*Neeley v. Henkel* (180 U. S. 109); *Missouri v. Holland* (252 U. S. 416)). But even in the absence of such explicit provision the President is responsible for seeing that the laws are executed.

JOHN W. DAVIS.
W. W. GRANT.
PHILIP C. JESSUP.
GEORGE RUBLEE.
JAMES T. SHOTWELL.
QUINCY WRIGHT.

NEW YORK, November 1, 1944.

Mr. AUSTIN. Mr. President, I have so much confidence in the opinion of Mr. William D. Mitchell, a former Attorney General of the United States, that I should like to read into the RECORD his opinion on this subject:

Although the President cannot spend the time in Europe to sit on the Council, he may be given control over our vote. . . .

That act (of Congress prescribing the method of appointment of our representatives, etc.) should also provide that on questions of applying sanctions or using military force, our representative must vote as the President directs.

Mr. President, I think that is sound judgment. I think it is a correct interpretation of the Constitution, and I like to adopt it as my own view of the matter.

Mr. PEPPER obtained the floor.

Mr. HILL. Mr. President, will the Senator yield to me?

Mr. PEPPER. I yield.

Mr. HILL. I suggest the absence of a quorum.

The PRESIDING OFFICER. Does the Senator from Florida yield for that purpose?

Mr. PEPPER. I do.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

| | | |
|-----------|-----------------|---------------|
| Alken | Gerry | Murray |
| Andrews | Green | Myers |
| Austin | Guffey | O'Daniel |
| Ball | Gurney | O'Mahoney |
| Bankhead | Hart | Overton |
| Barkley | Hatch | Pepper |
| Bilbo | Hawkes | Radcliffe |
| Brewster | Hayden | Revercomb |
| Bridges | Hickenlooper | Robertson |
| Briggs | Hill | Russell |
| Brooks | Hoey | Saltonstall |
| Buck | Johnson, Colo. | Shipstead |
| Burton | Johnston, S. C. | Smith |
| Bushfield | Kilgore | Stewart |
| Butler | La Follette | Taft |
| Byrd | Langer | Taylor |
| Capehart | Lucas | Thomas, Okla. |
| Capper | McCarran | Thomas, Utah |
| Carville | McClellan | Tobey |
| Chandler | McFarland | Tunnell |
| Chavez | McKellar | Vandenberg |
| Connally | McMahon | Wagner |
| Cordon | Magnuson | Walsh |
| Donnell | Maybank | Wheeler |
| Downey | Mead | Wherry |
| Eastland | Millikin | White |
| Ellender | Mitchell | Wiley |
| Ferguson | Moore | Willis |
| Fulbright | Morse | Wilson |
| George | Murdock | Young |

The PRESIDENT pro tempore. Ninety Senators have answered to their names. A quorum is present.

RELATIONS WITH RUSSIA

Mr. WILEY. Mr. President, will the Senator from Florida yield to me for a moment?

Mr. PEPPER. I yield.

Mr. WILEY. Mr. President, earlier in the day the Senator from Vermont [Mr. AUSTIN] speaking in relation to the Monroe Doctrine said the charter actually supported it in principle. He called attention to the fact that under the Monroe Doctrine any attempt on the part of foreign nations to extend their system into any portion of this hemisphere would be considered a danger to our peace and safety.

Today the news from Europe indicates that one of the greatest Englishmen of all time has been defeated in a recent election contest. That is Britain's business, Englishmen made the decision; we did not. But Mr. President, Lincoln, on one occasion, said that the danger to America will come from within. I have issued today a release on the subject of Americans being exponents of foreignisms, and I ask unanimous consent that it be printed in the RECORD at this point as a part of my remarks.

There being no objection, the release was ordered to be printed in the RECORD, as follows:

SENATOR WILEY SEES PERIL TO UNITED STATES RELATIONS WITH RUSSIA ARISING FROM NEW RED REVOLUTIONARY TACTIC

It is unfortunate but it is true that simultaneous with the Senate's constructive consideration of the United Nations Charter, there is occurring in New York a secret convention which may do much to undo our work here.

This convention is being held by the Communist Political Association. Its purpose is apparently to ratify the new revolutionary line of class warfare approved by the national committee of that association. Then, it is expected that the Communists will re-assume their role as an active political party.

It may seem far-fetched that this seemingly purely domestic event will have grave international implications; but that is the case. The new revolutionary tactic will not only affect the position of numerous "fellow traveler" individuals and organizations in domestic political affairs, it will also do damage to our friendly relations with our Russian ally.

How will that be so? This new "party line" is indicative of a world-wide resurgence of revolutionary communism. This means that in every democratic country such as our own, there will be Communist parties which:

1. Have allegiance to Soviet Russia, which are Russia, first, Russia, last, and Russia, always;

2. Which are guided, if not financed, from abroad; and

3. Which are committed to the revolutionary overthrow of our democratic form of government.

In view of these facts, it is probable that millions of Americans, becoming aroused and indignant at this anti-God, antidemocratic movement within our midst, will turn their wrath on Soviet Russia. Ordinarily, these Americans have the greatest admiration for Russia's proven valor, the greatest respect for the Russians' love of their native land, the greatest sympathy with Russia's war suffering.

But unless Russia absolutely repudiates in fact and in word and completely dissociates herself from the revolutionary Communist parties throughout the democratic world she

will cause vast friction and ill will with her allies.

Americans will not be silent or inactive against outside meddling and revolutionary agitation in our affairs. We will not be deluded by insincere denials coupled with secret continuation of such outside meddling and agitation.

Mr. President, this is not alarmism. Red baiting, or Russia baiting. Throughout my career I have done my humble best to act and speak realistically and objectively; I have sought to protect the civil liberties of minority groups and have done what I could to understand the Russian point of view and to promote understanding between our two peoples.

This new development impels me to speak frankly and bluntly in the manner above. America will be watching this situation with stern determination to protect our way of life from all internal or external encroachment.

THE CHARTER OF THE UNITED NATIONS

The Senate, as in Committee of the Whole, resumed the consideration of the treaty, Executive F (79th Cong., 1st sess.), the Charter of the United Nations, with the Statute of the International Court of Justice annexed thereto, formulated at the United Nations Conference on International Organization and signed at San Francisco on June 26, 1945.

Mr. PEPPER. Mr. President, I am sure that it is a source of exhilaration for all mankind that there is in prospect in the Senate this week adherence to the San Francisco Charter which brings closer to reality for all men the happy time of which Tennyson spoke when he said:

Till the war-drum throbbed no longer, and the battle flags were furled

In the parliament of man, the federation of the world.

In this happy event I am sure each of us out of his own experience draws some peculiar satisfaction. If I may make a personal reference, as I told the able Senator from Massachusetts a few moments ago, the first political speech I ever made was in his great State of Massachusetts in the campaign of 1922 between the Democratic nominee for the United States Senate, Mr. Gaston, and the then incumbent Senator from Massachusetts, Hon. Henry Cabot Lodge. As a student at Harvard Law School I enrolled in the Democratic Speakers Bureau, not that I was so much a Democrat that I was agitated by that campaign, not that I had any personal antipathy against the incumbent, Senator Henry Cabot Lodge, but because with all my heart I believed in the League of Nations and I wanted to offer a testimonial to that cause against all those who opposed it. I never anticipated at that time that it would be my unhappy experience some time in my future life to have to sit in my seat in this great body and cast a vote for the horror of war. But if I had anticipated that unhappy necessity, Mr. President, there is but one thing which could have given me justification for that horrible experience, and that was the prayer that some day I might still, from a seat in the United States Senate, have an opportunity to cast a vote for a permanent peace which would outlaw forever war as a curse to mankind. I am not alone, I know, Mr. President, in those feelings.

It was a sad day in the Senate and in our sister body when it became necessary for us to embark this great Nation upon the tragic experience of war, when we committed ourselves and all that we were and all that we had, to the defeat of the enemy. There are many of us, Mr. President, who were sadder because we felt that the necessity for that vote for war was in a very large measure attributable to the fact that neither other nations of the earth nor ourselves had employed all their efforts and expended their facilities in preventing war and keeping peace.

In the days subsequent to World War I there were many people, Mr. President, who thought, as President Wilson assured the men who gave their lives in that war, that World War I was a war to end wars. And many a man went to his death with those stirring words ringing in his ears and echoing in his heart, thinking that while he gave his own life he might spare the life of a son or his sons' and his daughters' sons who would come after him, it gave him some satisfaction perhaps in the last anguish of mortal life that, like the Master in an earlier day, he had given his life to save us.

We have our individual feelings, Mr. President, as to where the fault may lie, but no good can come from accusation or recrimination. At least, Mr. President, this Nation has resolved that we will not repeat again that act of infidelity to the dead. That is the reason, Mr. President, that sentiment in this Nation is so unified behind this Charter.

Senators may say and newspapers whose record of contribution has not been all that it might have been, may make the charge that the unanimity which exists in this body today, the sentiment of support for this Charter which exists in the country this day is due to propaganda. They may make the very sinister suggestion as to how much it cost to bring about that sentiment, but, Mr. President, it is not propaganda. It is the conscience and the judgment of the people of this Nation which have brought this country to a unanimity never experienced before upon an objective of peace. And that, Mr. President, is the base upon which the solidarity of sentiment in the Senate rests. The people are at last resolved that they will not again permit their loved ones to be butchered upon the cruel altar of war. Call it what you will, Mr. President, a name not so shocking to the conscience or to the senses if you wish, but we know that it is horrible murder and butchery and mayhem. We know, Mr. President, that it means taking the finest flower of our manhood—and in many instances our womanhood—and hurling them into the desecrations of war.

So, Mr. President, it is a grand spectacle which we see. There has just emerged from San Francisco a Charter of which 50 nations of the earth were the architects. The prayers of humanity were centered on that great city of the Golden Gate. While it is called the city of the setting sun, it is the city of the rising sun for the hope of mankind for peace. As so many have said in this body, if we were directly or indirectly to destroy this last good hope of a better world, for time immemorial we would

have to answer to the dead who would have to pay the eventual price of our wrong.

Mr. President, it must give all of us deep satisfaction to feel that not only are these galleries occupied by many of our citizens who have come to see the Senate in session as we debate this momentous proposal, but I am sure that there is not one of us who does not have in his heart the feeling that in a gallery beyond this, through a veil which their immortal eyes can always penetrate, there are two other spectators of this scene, no less interested than those who are here, deriving no less satisfaction than any human can experience at the prospect of what the Senate shall at this time do. Senators know who they are. One of them is Woodrow Wilson, and the other is Franklin D. Roosevelt.

On the 9th of April last I had the honor to have addressed to me a letter from President Roosevelt from Warm Springs, Ga. If I may, I should like to read the letter:

DEAR CLAUDE: Yours of April 5 has been sent to me down here where I am getting a 10-day vacation—more for catching up with mail than for rest.

That was April 9, 1945.

I like what you say—

The letter was in response to a letter I had written in which I had spoken of the obligation of the Congress, and particularly of the Senate, to take a coequal part of the responsibility with the Executive in the conduct of our foreign policy.

I like what you say and it is perfectly clear that fundamentally you and I mean exactly the same thing. As a matter of fact, while in questions of foreign policy the President ought to do the spade work of negotiations and the original nominating of certain officers, a long experience leads me to recognize that the Senate ought to be consulted both on the policy and some of the nominations. Both you and I know that as a matter of practice too much consultation would slow up both matters. What is needed is the removal of the political point of view on the part of some Presidents and many Senators. There are altogether too many instances throughout our history—some of them, even recent ones, completely unnecessary. I like to feel that we have really accomplished marvels in the matter of both our domestic and foreign policies in changing the point of view of a lot of people toward more liberal trends, not only here but throughout the world.

On the consummation of a treaty, I hope that the next trend of public opinion will recognize that under our own theory nations are coequal and therefore any treaty must represent compromises. We cannot jump to what we consider perfection if the other fellow does not go the whole way. He might think that his point of view was just as good or better than ours.

I do hope to see you one of these days soon. I will certainly do so as soon as I get back from the opening day of the San Francisco parley.

Always sincerely,

F. D. R.

Mr. President, F. D. R. did not go to San Francisco in person, but he was there. There was not a delegate there who could not feel his presence more dynamically than if he had sat beside him.

I am told that time after time in that great Conference the delegates paused to mention the name of Franklin D. Roose-

velt, because they knew that it was he who had primarily been the architect of that Conference, that he would be primarily the father of its great progeny, that it was the realization of his dream, of Woodrow Wilson's dream, and of the dreams of the dead and the dying, that was about to be consummated at San Francisco.

Mr. President, a friend of mine a few days ago told me that some 3 weeks before the 12th of April, the date of the President's demise, he, returning from a hospital and several months of illness was invited by President Roosevelt to a conference in his office. He said the President had no particular business to transact; he merely wanted to talk to an old friend. Calling his visitor's name, he complimented him upon his appearance and his recovery from his recent illness. The visitor said, "Mr. President, how well you look. Really, I think you look better than you have looked since 1937." Then, with a smile on his face and brightness in his eyes, the President said, "Strangely enough, I feel better. I have a great load off my heart. I know now we are going to win the peace."

Mr. President, that was 3 weeks before the 12th of April. He knew what the group at San Francisco was going to do, and he knew what the Senate of the United States was going to do.

So, Mr. President, as simply one Senator, I wish to pay my tribute to those absent participants who know what we are about to do.

I derive a particular satisfaction that the attitude of the Senate has so signally changed, that the attitude of the country has so remarkably been transposed, from what they were even so short a time ago. If I may be permitted a personal reference further, I remember one day standing in the Senate at about the place where I am now. It was on the 21st of May 1940. The news had just been delivered by the radio that the Germans in their march across France had reached Abbeville. They had practically severed France, they were getting ready to encircle the British Army and hurl it to Dunkerque. They were preparing the way for an early French armistice.

On that day, announcing the fact which had just come over the radio, I rose on the floor of the Senate and offered the following joint resolution, No. 259:

Resolved, That the President be authorized to sell and deliver within the United States to the recognized Governments of Great Britain, France, Austria, Czechoslovakia, Poland, Norway, Denmark, Holland, Belgium, and such other countries in Europe as may be subject to unprovoked invasion, upon payment of such purchase price as the President may fix, such aircraft, aircraft parts, or equipment belonging to the United States as in his judgment can be sold and delivered without imperiling our national defense: *Provided*, That the governments to which such aircraft, aircraft parts, or equipment are sold and delivered agree to assign if, as, and to the extent requested by the President, any and all contracts that they may have with manufacturers in the United States for aircraft, aircraft parts, or equipment.

The author of the resolution was subjected to vituperation on the part of some of our citizenry and on the part of

some Members of the Senate as being a warmonger, as being an internationalist, as being an interventionist, as wanting to spill the blood of American boys in remote lands of the earth. In the Committee on Foreign Relations, which, with the exception of one vote, reported out the Charter now before us with such magnificent unanimity, that original joint resolution received one vote—and that was the vote of the author.

I should like to say, for the benefit of the Record and of those who might be interested, that that original resolution was drafted by the present Speaker, its author, and by Ben Cohen, whose greatness I am glad to acknowledge.

And for whatever it may be also worth, before that resolution was offered upon the floor of the Senate the author telephoned the White House and talked on the telephone to Miss Marguerite Le Hand, then the personal secretary of the President, and read the resolution, saying that the author would not offer it if the President requested the contrary, but the author was not seeking the request or the support of the President for its presentation. But the Senator felt that the President was entitled to know when a matter of that sort was about to be offered.

That great lady spontaneously, when she had heard that resolution read, said "It would be great if we could get that, wouldn't it?" The understanding was that if she did not call back by noon that that resolution would be offered upon the floor of the Senate. No request came back from the White House that that resolution should not be offered.

On the 24th of May, after consultation with Ben Cohen and Walter Lippmann, the following joint resolution was drafted and offered upon the floor of the Senate. This happened to be Senate Joint Resolution 263:

Joint resolution authorizing limited aid short of war to foreign governments resisting the unprovoked military aggression of Germany

Whereas the German Government in violation of the General Treaty for Renunciation of War concluded at Paris on August 27, 1928, commonly known as the Kellogg Pact or Pact of Paris, to which treaty both the United States and Germany are parties, has deliberately adopted war as an instrument of national policy, and in defiance of all rules of international law has deliberately violated the territories of neutral countries; and

Whereas such unlawful aggressions threaten the peace and security of the United States; and

Whereas by such unlawful aggressions Hitler and Germany have forfeited their right to claim the protection of international law: Therefore be it

Resolved, etc., That the President be authorized to give aid short of war to the recognized Governments of Great Britain, France, Austria, Czechoslovakia, Poland, Norway, Denmark, Holland, and Belgium, and such other countries as may be subject to unprovoked military aggression by Germany in violation of the Kellogg Pact or of the rules of international law, by selling and delivering within the United States to any or all such countries, upon payment of such purchase price as the President may fix, such aircraft, ships, artillery pieces, and other war supplies, materials, and equipment as in his judgment can be spared without imperiling the safety of the United States: *Provided*, That the governments to which such air-

craft, ships, artillery pieces, and other war supplies, materials, or equipment are sold and delivered agree to assign if, as and when requested by the President, any and all contracts that they may have with manufacturers in the United States for such aircraft, ships, artillery pieces, and other war supplies, materials, or equipment.

I mention those resolutions, Mr. President, not by way of any encomium upon the author or those identified with the author, but simply to show that those who say that this is an act of intervention; that this is an act of what they call odious internationalism; that this is a meddling in foreign affairs; that this is another scheme to send our sons beyond the seas to participate in somebody else's war or affairs, are just as wrong today as they were with the accusations they made in that day upon those resolutions and all that came after them, Mr. President.

I speak not critically, Mr. President, but approvingly, of how the attitude of the Senate and of the country has changed since those early days. Everyone knows what was said about President Roosevelt's quarantine-the-aggressor speech in Chicago in 1937; that he was a warmonger; that he was an interventionist; that he was doing it for politics, Mr. President. Yet I happen to be one of those who want to bear testimony that before God I believe that Franklin D. Roosevelt saved the United States of America from subjugation, conquest, and slavery as much as George Washington was responsible for our independence by his own intrepid courage and sagacious leadership.

Mr. President, I have before me the message of President Roosevelt to Congress on the 14th of July 1939, when he pleaded with Congress to change the neutrality law. Why? Because he knew that Hitler's dagger was raised to strike the heart of Europe and to make war upon the world, and he knew that if we did not allow equipment and supplies and war materials to be made available to the democracies, that Hitler would crush and destroy those weak governments who had bent their energies upon peace and not war; who had given their people butter and not guns. And he knew that that was the time for America to throw her great moral and material strength on the side of democracy and decency in the world.

But, Mr. President, it will always be an intriguing speculation, in my mind at least, to know what would have happened if we had changed that neutrality law in July of 1939, and let Hitler know, as any future aggressor will know when we adopt this Charter, that if they make war upon mankind they shall have to face the might and the courage and the willingness to sacrifice of the United States of America.

O Mr. President, could we but learn at less cost than bitter experience these great lessons of life.

There were those who said during all these intervening years that we were strong enough to live alone; that we did not need to work with the family of nations; that the great oceans protected us from aggression or assault, ignoring the lessons of history. But the wide

oceans were but highways on which the enemy could come to our shores. Senators said, and even members of our War Department and Navy Department intimated, that the enemy could never come close to our shores. Yet, the shores of my own State of Florida were littered with the debris of human and material wreckage from the destruction of German submarines. War did come to America, not only at Pearl Harbor but to continental United States on the west coast and on the east coast.

So we have learned, Mr. President, that America is not great enough, Russia is not great enough, Britain is not great enough, no nation on earth is great enough, to stand securely alone in the world today without seeking the collaboration of the other nations and peoples of the earth.

So what have we done? We have finally reversed our position. We have finally stopped being a laggard or a sluggard. We have stepped to the forefront. We have taken a position of leadership which is where our rightful place is in the family of nations, Mr. President. I say it with no disparagement to the rest of the nations, but it was said of an old Dutchman that wherever he sat was the head of the table. I think I may say as an American with pardonable pride that wherever America sits at a council table is the head of the table, Mr. President, because in all history no nation has ever been blessed with such power as the people of the United States possess today.

I am sure the members of the Foreign Relations Committee would not object to my speaking of an incident which occurred here when our delegation assembled for a luncheon in our Foreign Relations Committee room preparatory to their departure for San Francisco. Our distinguished guests, among others, were Foreign Minister Anthony Eden and Lord Halifax, the British Ambassador. In Mr. Eden's remarks to the committee after the luncheon among other things he said:

This morning, together with Lord Halifax, I spent an hour with General Marshall, your great Chief of Staff.

He said:

General Marshall showed me the maps and the charts upon which the American front is moving forward all around the world.

He said:

I thought I had seen the power and the might of nations in my experience, but until I looked at those charts of General Marshall today and saw the might of the United States of America upon the war fronts of the world I never really appreciated what power meant.

Then as he started to conclude, he said rather humorously to the British Ambassador, "And may I say what I said to you as we left General Marshall's office?" "Of course," the Ambassador indicated assent. Then Mr. Eden said, "What a fine thing it is that General Marshall is such a nice man." There was a great deal in that statement. Such power, such might, such force, and yet General Marshall was "such a nice man."

In no nation on earth, however small, do men, women, or children fear the

might of the United States of America, though Hitler, Mussolini, and Hirohito have stood like pygmies before the manifestation of that power. There has never been anything like the United States in history. The question is, Shall we as a nation prove spiritually worthy of that great power? In the Scriptures we are taught the lesson of stewardship. We read about the man who had certain talents, and his obligation to use those talents.

It seems to me that all time has waited for the United States to come upon the scene with its present power and its present point of view. So, Mr. President, it is a subject of much rejoicing on the part of the citizenry, the soldiery, and the people of the world that we have turned our backs upon isolationism. It is fool's gold. It is folly, and any man in public life who embraces it is doomed to political destruction. You can deceive all the people part of the time, but you cannot deceive all the people all the time. They see through it. They want to know, "Are you for the Charter, or are you against it?" When they ask the question, "Are you for it?" they mean, "Are you for it without mental reservation or future intention to sabotage it if you have the power?"

I know the temptation that some have who are perhaps not dedicated to the support of this Charter as many of us are. They would like to wait until public opinion subsides, until it is divided, not by the propaganda of peace, but perhaps by the propaganda of profit, as public opinion was confused and divided by the propaganda which Andy Mellon and Henry Frick paid for, with which to fight Woodrow Wilson. They would like to wait until public opinion is less solid, until there is more confusion, until public opinion may not be so militant, indignant, or belligerent toward an opponent of world peace, and then come in with a new technique to try to defeat it when we come to implementing it with essential activities and power.

Mr. President, a little while ago I told some gentlemen who I thought deserved it that they were largely responsible for the situation in which we find ourselves today. I should like to pay a word of tribute to one of them by name, and to two organizations. There are many more.

One of them is the Committee to Defend America, which was formed a few years ago, before public opinion had solidified on the subject of America having an affirmative part in world affairs, stopping war at its inception, stifling it where it was spawning, and springing at the wild animal before he could spring at us. It was a great organization. It deserves the thanks of the country, because I believe in my heart that that organization, the Committee to Defend America, and another worthy committee called the Fight for Freedom Committee, and all the fine men and women who identified themselves with those two committees, some with personal effort, some with money, and many with their hopes and prayers, have rendered a great service.

Greatly active in the Committee to Defend America was a man named Clark

Eichelberger. He was a soldier in World War I. He was in France in combat. When he got out of that war he dedicated himself to an organization to keep the peace of the world and prevent the recurrence of war. In all those intervening years that man, like many others, adhered to the same objective, to try to implement some kind of an international organization to keep the peace of the world and not permit a repetition of horrible war.

I am pleased also to have Mr. Eichelberger tell me that the organization which has been carried over from the early 1920's, the League of Nations Association, which through all the years has held aloft the dream of Woodrow Wilson and of the people of this Nation that we might set up such an organization as we are now about to consummate, will not let its efforts subside. The name of the organization has already been changed to the American Association for the United Nations, Inc. And after the Senate has ratified the treaty, that organization will publicly declare that it will dedicate itself to educating public opinion to the meaning of the Charter, its obligations for our people, and the opportunity which it offers to preserve peace and promote the welfare of this Nation and the peoples of the world.

Mr. FULBRIGHT. Mr. President, will the Senator yield?

The PRESIDING OFFICER (Mr. MITCHELL in the chair). Does the Senator from Florida yield to the Senator from Arkansas?

Mr. PEPPER. I yield.

Mr. FULBRIGHT. I take this opportunity to endorse what the Senator from Florida has said about Mr. Eichelberger. I have had a good deal to do with him, and I have found what the Senator says to be true. I believe that his brother is one of our leading generals. It is a curious combination. He is one of the outstanding leaders in the field of prevention of war, and his brother is one of the outstanding generals in the prosecution of this war, which is not at all inconsistent.

Mr. PEPPER. I thank the able Senator for calling attention to that fact, and for his added testimony.

Senators may also know that the Commission to Study the Organization of Peace has also been stimulated by essentially the same group, of which Dr. James Shotwell has been such a worthy leader. He was one of the consultants at San Francisco, and was at Versailles in the making of the League of Nations Covenant. He was one of those few, including Dr. Hamilton Holt, president of Rollins College, Jan Smuts, and others, who had the rare privilege of being at Versailles in 1919 and at San Francisco in 1945.

Mr. MAGNUSON. Mr. President, will the Senator yield?

Mr. PEPPER. I yield.

Mr. MAGNUSON. The distinguished Senator from Florida took part very unstintingly in the last campaign. I wonder if he agrees with me. In my section of the country the real fundamental issue before the people at that time was the question which the Senator is discussing. I wonder if he agrees that my impression

is correct. Last November the American people said to me, to the Senator from Florida, and to one-third of the membership of the Senate, that this time America should not only participate in such an organization, but should go beyond that point and take the leadership in world peace.

Mr. PEPPER. In my opinion the Senator is absolutely correct; and if we do anything less than that, not only shall we be violating our solemn obligation to the American people who elected us, but, in my opinion, at the first opportunity they will call us to account for our delinquency as their representatives.

Mr. MURDOCK. Mr. President, will the Senator yield?

Mr. PEPPER. I yield.

Mr. MURDOCK. I am interested in what the Senator has said, and I should like to make this observation: Not only did one-third of the membership of the Senate hear the voice of the people last year, but it is my opinion that an overwhelming majority of the Senate heard it, and will evidence that fact by their votes when we vote upon the treaty.

Mr. PEPPER. I think the Senator is absolutely correct, and I thank him for his observation.

A little while ago I put together a few references to the effort which has stretched out over the centuries to set up such an organization as we are about to see realized in the world. It is known to many. To a few it may not be known.

In the dim past of western civilization, those great prophets of the Old Testament, Isaiah and Micah, set the goal of a world united in peace, justice, and the fear of God. Ever since, by slow stages, thinkers have been preparing blueprints of a world wholly or in part organized, and governments, from time to time, have been experimenting with certain forms of international organization.

In the world of ancient Greece, from the seventh to the fourth centuries B. C., Amphictyonic leagues and other stable confederations attempted to bring together several sovereign states, organizing them for peaceful cooperation.

Most significant among them were the Achaean League of some 12 city-states, based on perfect equality of the member states without domination of one over the other; and the great Delphic Amphictyony, which, supported by the authority of common worship, brought together almost the entire Greek race.

Even in ancient Italy, before Rome began its ascent toward world empire, there existed, in the seventh to fourth centuries B. C., the Latin League of about 30 city-states, with whom Rome, too, was associated, and which functioned as a true federation.

After centuries of peace imposed by force upon a large part of the western world by the Roman Empire, that power broke asunder, and for a long time people lost touch with one another, restricted within their local units. Gradually, western and central Europe awoke from stupor. Though divided in innumerable units, the people of that part of the world were aware of their spiritual unity symbolized by the Roman Catholic Church, and developed a pull after temporal unity as well. Pope and Emperor—an Emperor usually chosen by vote of princes representing different countries—assured a kind of international organization from the eighth till the fifteenth century.

But this vague organization did not suffice to the best minds of Europe, still nurturing

Isaiah's ancient dream, and we find Pierre Dubois, a French scholar, proposing in 1305 that all Christian powers ally themselves for the maintenance of peace and institute a permanent court of arbitration.

Even more interesting was the plan suggested in 1461 by King Podiebrad of Bohemia, a precursor of the Czechoslovaks (noble ideas of a Masaryk and a Benes) in our days, to organize a Federal union composed of all Christian states, with a permanent council in the city of Basle as the supreme body.

When Reformation disrupted the former unity of the western world, reducing in consequence the part played by Pope and Emperor as centers of a precarious international order, individuals and governments were driven to feel doubly the need for a world union. Individuals, some of them heads of states and responsible statesmen, indulged freely in far-reaching projects of a full-fledged federation of Europe or even of the world.

First in point of time and most amazing in many respects was the plan submitted in 1603 by King Henry IV of France and his minister, Sully, to other governments with a view to establishing a European federation composed of 15 member states of equal strength and equal status, with a general council to administer the federation's affairs.

There followed in 1623 the project of Emeric Crucé, a learned Frenchman, of a world union of states. With a broad-mindedness far in advance of his time, Crucé wanted to include the non-Christian states into the world union on an equal footing with the states professing various Christian creeds, and proposed the city of Venice as seat of the general council of the union.

There followed in quick succession the projects of the German philosopher Leibnitz in 1676; of the Count of Hesse-Rheinfels in 1678; of Charles, Duke of Lorraine, in 1688; of one of America's earliest and greatest statesmen, William Penn, in 1693; of the English Quaker, John Bellers, in 1710; of the French Abbé de St. Pierre in 1713 (with his *Abrégé* published in 1729); of Cardinal Alberoni in 1735; of the Frenchman D'Argenson in the 1740's; of Jeremy Bentham, of England, in 1789; of the German Schlettwein in 1791; of the philosopher Kant in 1795; and of the Frenchman St. Simon and Thierry, in 1814. This array of names includes only the most outstanding ones belonging to many nations. It indicates that courageous and inquisitive minds could not rest while the world remained an arena of selfish strife. In a way, Kant's contribution will interest us more particularly. This great German, inspired by the French Revolution, was one of the first who insisted that the world union could not be securely built unless it is based on democratic principles, representing a union of peoples rather than a union of rulers.

Mr. President, there is still a great deal to be said for Kant's proposal that the international organization, like our own Federal organization, be based upon the people, rather than upon an association of sovereigns. Of course, I know we have not gotten that far in our world evolution, but we are, I dare say, rapidly proceeding in that direction. Significantly enough, the framers of this charter felt it well to put in the very beginning of the preamble, "We, the people of the world." Although later on they said it was an association of sovereign states equal in their relativity, they wanted to suggest at the very beginning that it was based upon the hearts and hopes and hearthstones of the people of the world.

I read further:

After 1814, the idea of organizing the world made rapid progress. With pride I may point

out the leadership of my countrymen in this movement. Peace societies were founded in 1815 in Massachusetts, New York, and Ohio. Similar societies in other States followed, and in 1828 they consolidated in the American Peace Society, led by that apostle of world peace, William Ladd. The Advocate of Peace, the organ of this movement, started appearing in 1834, and still continues its good work.

A similar movement of peace societies developed in England beginning 1816. The English economists, Cobden and Richard, were among its leaders. It spread to other countries, and international peace congresses were held annually between 1848 and 1853. After a brief interval, further international peace congresses were held in Switzerland under the auspices of another international group, the "League de la paix et de la liberté," founded by the Frenchman Charles Lemonnier. This peace movement of the nineteenth century, while mainly pacifist in character, went beyond propaganda for disarmament and arbitration. A volume published in 1840 and edited by William Ladd dealt with the core of the problem—it was a collection of essays on a congress of nations.

Mr. BREWSTER. Mr. President, will the Senator yield to me?

Mr. PEPPER. I yield.

Mr. BREWSTER. I did not hear all of the Senator's discussion, but I hope he made it clear that William Ladd was a citizen of the State of Maine.

Mr. PEPPER. Well, Mr. President, each was an honor to the other. I am glad the Senator called my attention to that fact.

Mr. BREWSTER. Some years ago, I had the pleasure of erecting a monument in memory of his great activities as an apostle of peace.

Mr. PEPPER. I am pleased that the Senator has informed his colleagues about that.

Mr. WHITE. Mr. President, will the Senator yield to me?

Mr. PEPPER. I yield.

Mr. WHITE. In addition to what my colleague has said, let me add that while Governor of our State he erected a monument to William Ladd. From the little farm where I pass such vacations as are possible, I look across the valley and I see arising from the woods the spire of the church where William Ladd preached, and directly across the road the home where he lived. He was, as the Senator has said, one of the great leaders in the cause for peace. He founded the American Peace Society. The tracts he wrote, published in the 1830's and, I think, the early 1840's, are a text, of all that can be said in behalf of peace efforts.

Mr. PEPPER. Mr. President, I thank the Senators from Maine very much, and I am glad that recognition has been paid to this great apostle of peace.

I continue now:

The "League de la paix et de la liberté" raised prominently the issue of a united states of Europe. Victor Hugo presided over the peace congress of 1849 in Paris; Garibaldi took active part in the peace congress of 1867 in Geneva; and the English-speaking world was stirred in 1842 by Tennyson's inspired vision, in his *Locksley Hall*—

Everyone knows it, of course, and yet it is marvelous in its prophecy. It is astounding to think that a man, writing in 1842, would have said—

"For I dipt into the future, far as human eye could see,
Saw the vision of the world, and all the wonder that would be;
Saw the heaven fill with commerce, argosies of magic sails,
Pilots of the purple twilight, dropping down with costly bales;
Heard the heavens fill with shouting, and there rain'd a ghastly dew
From the nation's airy navies, grappling in the central blue;
Far along the world-wide whisper of the south wind rushing warm,
With the standards of the peoples plunging thro' the thunderstorm;
'Till the war drum throbb'd no longer, and the battle flags were fur'd
In the Parliament of Man, the Federation of the World.
There the common sense of most shall hold a fretful realm in awe,
And the kindly earth shall slumber, lapt in universal law."

In the meantime, preparatory work was being accomplished in many directions. Pacifists led by Baroness Bertha von Suttner led the struggle for disarmament. Lawyers, combining in the "Institut de droit international" and the "international law association," began laying the foundations of a future universal law. Two of Europe's lawyers, the Scot Lorimer and the Swiss Bluntschli, came out with proposals of an international federation. Members of legislatures from many countries formed the Interparliamentary Union and strongly urged the substitution of arbitration for war.

Our able leader, the Senator from Kentucky [Mr. BARKLEY] has been a great leader in the cause of the Interparliamentary Union, and we hope it will be speedily revived and continued after the war.

I continue reading:

The best and most enlightened elements of the world's public opinion were getting ready, by stages, for the great idea of an international federation. On May 5, 1910, Theodore Roosevelt, former President of the United States, in an address before the Nobel Committee in Christiania, Norway, bluntly declared as goal "the establishment of some sort of international police power, competent and willing to prevent violence as between nations." The United States Congress added its authoritative voice of approval. On April 5, 1910, a resolution was introduced into the House of Representatives of the United States by Representative Bartholdt, of Missouri, "to authorize the appointment of a commission to draft articles of international federation, and for other purposes." The resolution, as modified by a proposal by Representative Bennett, of New York, authorized "a commission of five members . . . to consider the expedience . . . of constituting the combined navies of the world an international force for the preservation of universal peace."

The resolution in this form was adopted—unanimously, mark you—by the House on June 20, 1910, by the Senate on June 24, 1910, and became law the next day as Public Resolution No. 47, Sixty-first Congress. It can be found, a monument to the real sentiments of America, in volume 36 of the United States Statutes at Large, on page 885.

While far-reaching projects were thus being prepared by individuals, groups, and single countries, the governments of the world, too, were driven to recognize the unsatisfactory state of a divided and disorganized world. Clinging jealousy to their cherished independence they were afraid to adopt with determination a world federation scheme and relied for preservation of peace on the inadequate instrument of defensive alliances and the artificial device of balance of power. But

the methods were plainly insufficient, and time after time the great powers of the world—those with most stakes in the affairs of the world—had to invent some machinery for organizing this planet. To do this, they resorted to international congresses and conferences which decided at least the most urgent questions of the time, leaving other questions in abeyance. This conference method had numerous draw-backs; it lacked permanence; it depended on a sufficient number of great powers being willing to resort to it; it required unanimity and therefore could always be broken up by any power sufficiently obstinate; it placed the decisions on the fate of countries and nations in the hands of a group of great powers which were free to invite other, smaller countries to the conference table or not.

In spite of all these draw-backs, it is most significant that the decisive powers of the world, at critical times in history, after wars and at important points in times of peace, again and again assembled in conference to obviate at least temporarily the deplorable lack of the sorely needed permanent organization of mankind.

To name but the most important ones of these international congresses, we have the Congress of Westphalia in 1648, the Congress of Utrecht in 1713, the Congress of Aix-La-Chapelle in 1748, the Congress of Vienna in 1814, in which was born the semi-permanent organization of the "Concert of Europe"—including England, France, Prussia, Russia, Austria-Hungary, with Italy later added—and the smaller and briefer "Holy Alliance." The next important congresses of the "Concert of Europe" were the Congress of Paris in 1856, and the two congresses of Berlin in 1878 and 1885.

We know of the great efforts of the League to Enforce Peace which pressed for the formulation and passage of the League of Nations in 1918 and 1919. Mr. William Howard Taft, and Mr. Elihu Root, as well as many other great Americans, were leading spirits in that movement. To them also, as worthy pioneers and warriors for peace, I am sure we would like to pay our tribute.

We know about the League of Nations, and of its existence. Many of us would like to pay tribute to its accomplishments not only lament its failures, because we see it as a giant step forward as look back over the span of history and see how the idea of working together in order to keep peace has been growing in strength, character, and effectiveness. It has come a long way from the prayers of Micah and Isaiah, and a long way from the early temporal powers of the Roman church and state, down through the ages to that great edifice on the shores of sparkling Lake Geneva, the League of Nations. Many of us have there seen representatives of more than two score nations sitting upon a single floor, and working toward the accomplishment of the peace of the world. Mr. President, that mighty edifice has grown more complete, has become grander and mightier. Today we see an effective hope for the construction of a permanent organization which will, we hope and pray, actually achieve all that has been fought and prayed for through the long centuries of the past.

Mr. WILEY. Mr. President, will the Senator yield?

Mr. PEPPER. I yield.

Mr. WILEY. I wish to compliment the distinguished Senator for his fine

historical analysis of humanity's attempt to create a mechanism.

I believe, however, that the Senator left out of his address the important fact that about 2,000 years ago there was One who spoke as never man spoke before or since. He gave us the very essence of peace in His Sermon on the Mount. He said, "Blessed are the peacemakers".

No matter what the mechanism may be, unless the essence of the Sermon on the Mount is in the hearts and minds of the people of the earth, I wonder if the Senator believes that we will have peace.

Mr. PEPPER. The Senator from Wisconsin is absolutely correct in his belief that the only way by which we may hope to have peace is by using this great power to do right.

A few minutes ago when I spoke of the mighty power of the United States of America I intended to say that there are some who dare to suggest that now is the time when America should have her great age of empire, that we do not need to ask other nations to do certain things, but that we have the power to tell them what to do. Those persons assert that today we have the power to enforce our will upon at least a large part of the world if not upon all of it. There are some, Mr. President, who at various times in our history have wanted to use our great physical power and moral prestige for the purpose of advancing the commercial interests of this country, though not always rightly. If the Government of the United States ever yields to the temptation to exploit our power we will not only stand against our own citizenry and against mankind, but against God as well.

I hope, Mr. President, that those who have been solicitous that as a result of this war we retain and preserve certain strategic areas of the world, have not had in the back of their minds the idea that those areas shall be the pillars of American empire over the face of the earth. I realize that it is a ticklish and a delicate subject. I also have felt that our delegation at San Francisco was embarrassed in asserting the moral leadership which they wanted to assert because some were demanding that now was our time to take what we needed. I do not want to give up speedily—I may never wish to give up—those strategic islands in the Pacific which have been won by the blood and treasure of this country.

But, Mr. President, there is a matter of some difficulty in saying that we will hold strategic areas and deny to other sovereign nations the same right or the same claim. There is some embarrassment in America saying, "We will keep our colonial empire but we want to destroy colonialism in the earth." There is some inconsistency, Mr. President, for us to claim the right of suzerainty and sovereignty over so-called inferior peoples and complain about what some other empire does with those over whom they have exercised sway for more than a century, in other cases for decades and scores of years.

I would feel far safer, Mr. President, had America taken the position that before God and man the great natural highways are the highway of the world,

and no man has a right to put his obstruction, or what we lawyers call purpresture across their path. We cannot do it in a day; we cannot do it without other nations collaborating, but I wish it might be made known to other nations at the council table that America was always ready to put its gun on the table and, if necessary, to take it off entirely when others were ready to do so.

I hope we will assert our moral leadership, not only to advocate disarmament with other nations, but that we shall also advocate the emancipation of every man who owes sovereignty to us other than as a citizen. I do not claim that we have the right before God and man to keep anybody in subjection and claim freedom for ourselves. And if we do it upon the basis that they are not competent to protect their own security then let them be the wards of an international trustee, the court of mankind and the conscience of the world.

No, Mr. President, let us not be deceived. We cannot have our cake and eat it too. We cannot exercise unlimited power and not expect other nations to make the same assertion.

This great Charter has been brought back from San Francisco, so much to the credit of those who had a part in it. It has pitfalls which could destroy it. Those pitfalls, Mr. President, are obvious if you but scan the power possessed by the people who constitute it. As a matter of fact, we talk about the Trustee Council, yet we have not obligated any nation to give up its colonies. We merely have set up an organization that will administer any colonies which any nation turns over to it. We have not done anything, therefore, except to say that they must make reports of a very mild character to give effective assurance to subject peoples that they, too, have the dignity of man.

So the trustee council will mean what the nations who are members, and principally the Big Three, make it mean. We may make it mean much; we may set the example to other nations and say "See what we have done; go thou and do likewise." We can point with pride to the Philippines and their emancipation. We can show other nations that they will gain instead of lose by giving peoples their freedom, as we gained the unswerving fidelity of the people of the Philippines with the assurance they had that we would give them their freedom when we helped them win it back. I do not want anyone on the Senate floor to become what is called in South America a "jingo," rattling the sword of our power and the shield of our might and the banners of our prestige, and saying, "No; we cannot give up anything, we will not give up anything. Who is this false patriot who says we shall take that honored flag down from any soil?" Oh, they may call upon the names of the boys who died to put it there. They did not die for conquest; they died for peace.

We know also, Mr. President, that the veto power which members of the Security Council have may emasculate this Organization. If Senators are solicitous about what we may do, what about the power that other nations possess, for they

are already saying what we will not do before we get a chance to do anything? What are other nations saying? America! Is America to be the one to suggest doubt? Is America to be the one to accept membership with mental reservations? Is America to be the Nation to say "Yes" with its tongue in its cheek? Is America to say, "Yes, I am a member of the Security Council but you cannot use my airplanes, my ships, my soldiers, my sailors, and my tanks outside the Western Hemisphere?" "Me and my wife, my son John and his wife, us four and no more, are the ones, we are looking out for." What are the rest of them going to say if we start saying that? So, in respect to the Trusteeship Council, and in respect to the veto power, and in respect to amendments, and in respect to all the essential features of this Organization, we have the power to wreck this league as we wrecked the last one, this time by a qualified participation as last time we participated not at all. So, when the Senate today, or next week or tomorrow, ratifies this charter, let us tell the world that it came out of the great heart of this nation, and we pledge our faith to do the maximum in carrying our part of the load that has to be carried.

The critics and cynics are already thinking, "After all the people may be for this thing now, but they are not going to be strong for it later on, and later on if you start talking about committing forces so that the boys may be sent out of this hemisphere, they are not going to like that." It is going to be our job to explain to them why they will have to like it. Instead of being profiting politicians, we ought to tell them it is folly not to do it.

I read in an article in yesterday's press that at the trial of Petain, a former Premier said it was the theory of defense that destroyed France—doing nothing but sitting, a form of military isolation.

Some criticize us if we propose to send a few tanks or a few ships or even men. Well, what are we compelled to send? It is better to send 100,000 for an international police force than 4,000,000 for an expeditionary force. It is better Mr. President, to spend a billion dollars than to spend \$300,000,000,000. So Mr. President, this Charter alone does not solve the question at all. It all depends on the spirit in which we enter it. It is like a partnership. We may make it succeed, or we may make it miserably fail.

As a matter of fact, many of us had hoped for an organization much stronger than this. I am not one of those frightened by what some call a "superstate." There are different degrees of a superstate. I am not so very strong for the right of withdrawal. My grandfathers fought a foolish war about withdrawing from the Federal Union. I am willing we should take our lot as a Nation with the other nations of the world, and I would have been far better satisfied if the right of withdrawal had not been recognized. We should have taken it for better or for worse, and made it better. There is plenty of power in the Charter itself to wreck it. That is why it is so important as to how unqualifiedly we resolve in our hearts, when we ratify the

Charter, to support it, to back it up, in the days ahead.

Of course, there are still some who embrace a new doctrine of isolation. It used to be military isolation. I know some who tried to get the Congress and the country to adopt resolutions which would not have permitted even our Navy to leave the waters of the Western Hemisphere to defend America. They would not have permitted us to anticipate a German assault upon Bermuda, so erroneous were they in their conception of where were the real places of military danger to us.

Public opinion has completely embraced the doctrine of collaboration with other nations in political and military matters to keep our peace, but there is a new doctrine against which we are going to have to keep on guard, equally dangerous in its significance, namely, the doctrine of economic isolation. There are still some who do not see any relationship between the San Francisco Charter and Bretton Woods, or any other of these organizations which we set up to collaborate with other nations of the world economically.

Mr. President, it is a simple thing to see that we cannot have political collaboration unless we have a sound economic collaboration as a basic policy for this country. It is just as foolish to come along and say that we will not let another nation have a billion dollars, or two billion dollars, or three or four or five or six billion dollars, to say we cannot afford it, as it was on the part of some, years ago, to say that we could not afford to build a Navy and an Army and an air force adequate to defend this country; just as foolish as it would be to say that we cannot afford the military expense of supporting our part of the forces committed to an international organization to keep peace and stop aggression in the world.

No one would favor our wasting any money, throwing any money away, not making the most accurate and careful estimates respecting its expenditure. The able junior Senator from Virginia [Mr. BYRD] has rendered magnificent service to the country by scrutinizing the expenditure of money. There is no one but applauds that principle. But when an expenditure is worthy, it is sometimes an economy to spend and not to save. If the economy of Europe shall collapse after the war, our economy will probably collapse with it. If Europeans cannot buy from us, if they do not constitute a stable financial economy, they will not constitute a stable political economy.

I shall not refer to that in detail, except to say that many of us in the Senate saw the wreckage of economic chaos in Germany after the last war, which produced Hitler, and there is a danger today in many of the nations of Europe that if we do not support the struggling democracies trying to come into being there, someone may rise as a dictator and establish a totalitarian state upon the wreckage of the economies of those countries.

So, Mr. President, America's leadership must not only include our having a part in political collaboration, but we must also have a great part in economic

collaboration with the other nations of the world. It is all a part of the same pattern.

I know the country applauds the accomplishments of this Congress, of which we have the honor to be a part. Just look at what we have done already in this Congress, the economic agreements with other nations we have entered into by large majorities, finally crowned with the climax of this great charter, which, I am sure, within a short time will go forth from the Senate of the United States.

Mr. President, I derive great satisfaction as I look out, not only over the span of past centuries, to see how this germ of international organization has grown from the prayers and prophecies of Isaiah and Micah to the great Charter we have before us today. It seems to me that what I see of the various nations of the world and the various political systems of the world indicates that mankind is coming more and more intimately into the great human family, which offers hope for collaboration among all peoples of the world.

Just gaze upon what has happened in this country, the sparsely settled areas of the Atlantic seaboard just a few hundred years ago, and now this great continent, this great country of 140,000,000 people, with all the power we possess, one language, one law, one culture, one general tradition, one point of view, one flag, one great Nation under God that has been put together from all these little sparsely settled communities which used to make the United States of America.

Look at Russia, with all the various languages, all the various racial groups, all the provinces, all the dialects, all the unities, in that great country six or eight or nine thousand miles long, under one government today, under one flag, in the sense that it constitutes essentially a political entity, fighting mightily together and victoriously together, sitting together at conferences in world collaboration. Just think of it being one country, moving as one unit, all the way from western Russia to the Pacific Ocean, and from the Arctic Circle to the Persian Gulf and the Black Sea. Think of the significance that has to world unity.

Look at what China is going through. It has not yet succeeded. We do not know how long it is going to be before the Chinese achieve the essential unity of which we think in a nation. Yet look at what vast strides they have made. I am told that in China there is not a word for "society." They have not thought in terms of unity, as we do. Yet every one knows that China is a giant that is awakening and coming into vitality, and we are going to help it. It is one of the principal powers signatory to this great charter, with a new dignity, with world power—that ancient, divided, disunited China coming into a new unity.

Someone says, "That is all very obvious, but all those are contiguous land areas. That is simple. It is true that people who live together become a sort of an entity." What about the British commonwealth of nations—England, South Africa, Canada, New Zealand, Australia,

with oceans dividing them geographically, yet who has any doubt of their essential material and spiritual unity? We all know that really those countries did not have to declare war. Canada was a week behind Britain in declaring war. Yet there is something which has pulled them together, something we cannot see with our eyes, but it is real, stronger than hoops of steel. So we have all those organizations.

Look at the great Pan American Union of ours. We come from many lands, we have many languages, we are separated by vast distances, yet what marvelous unanimity we have attained, to which able Senators, some of whom are on the floor of the Senate today, have so much contributed, in the great act of Chapultepec, in drawing which there was harmony and unity among the nations of all the Western Hemisphere, except Canada, and undoubtedly she moves generally in the same orbit.

Mr. President, what does that mean? To me it means that nations represent the growing unity of peoples. Until this Charter was presented, however, all these were separate and distinct entities. There was no law across the border that amounted to anything. Now we have built the superstructure upon the edifice of the great nations and peoples of the earth. This is the arch that binds it and makes it a single entity. So today, as the able Senator from Georgia and the able Senator from Vermont have pointed out, we have a legal entity; this United Nations Organization is a legal entity. It is something new on earth distinct from its constituent parts. It has been created. It is the house of nations, as it were. It is the United Nations of the world.

Mr. President, I did want to make an observation or two on the technical point about our obligation to supply our part of the effective forces to be under the jurisdiction of the United Nations. I certainly read the statement of Mr. Dulles as did the able Senator from Georgia with the thought that this subsequent agreement contemplated in article 43 to provide our part of these forces could not be consummated except by treaty ratified by the Senate of the United States. I am particularly happy that the Senator from Michigan has clarified the opinion of Mr. Dulles and that it now is clear that Mr. Dulles has not opposed the implementation of this charter by a joint resolution of the Senate and the House of Representatives.

In the first place, I should like to speak of why it is important that we clarify these matters, as other Senators have no doubt said. If the two-thirds rule is to apply to all agreements that we are to make under this San Francisco Charter it has the inevitable effect, Mr. President, of making our collaboration more difficult under this Charter. It means that one Senator who does not believe in collaboration has as many votes as two of us who do. It means that the single opponent has the vote of two proponents. That makes it relatively twice as easy to oppose as it does to approve our collaboration under this Charter.

Mr. President, I feel very strongly that if the United States is going to take a

leading and active part in world affairs in the years ahead we have got to modernize our peace-making and peace-keeping machinery. There are certain respects in which I want to suggest that we might do that. One is to recognize that the Congress may act in such matters by a joint resolution without two-thirds of the Senate having to act.

In the first place, the Supreme Court of the United States, in the case of *United States v. Curtiss-Wright Corporation* (299 U. S. 318), said this:

It results that the investment of the Federal Government with the powers of external sovereignty did not depend upon the affirmative grants of the Constitution. The powers to declare and wage war, to conclude peace, to make treaties, to maintain diplomatic relations with other sovereignties, if they had never been mentioned in the Constitution, would have been vested in the Federal Government as necessary concomitants of nationality. Neither the Constitution nor the laws passed in pursuance of it have any force in foreign territory unless in respect of our citizens.

And so on. Skipping a few lines—

The power to acquire territory by discovery and occupation, the power to expel undesirable aliens, the power to make such international agreements as do not constitute treaties in the constitutional sense none of which is expressly affirmed by the Constitution, nevertheless, exist as inherently inseparable from the conceptions of nationality. This the Court recognized, and in each of the cases cited found a warrant for its conclusions not in the provisions of the Constitution, but in the law of nations.

So in the first place, Mr. President, our power rests upon the fact that we are the Congress of the United States of America, and that the United States of America is a sovereign nation, and that regardless of the Constitution that sovereignty has the power to exercise the functions and the incidents of sovereignty, and we by virtue of our power to legislate for this sovereignty have the power to authorize certain conduct in our foreign relations and certain relationships with other sovereign nations of the world. So that the Congress possesses that inherent power of the Congress of a sovereign nation under the laws of nations. Those are not my words. They are the words of the Supreme Court of the United States from which I have just read, written in 1936. The author of the opinion is Mr. Justice Sutherland speaking for the Court.

In the second place, Mr. President, we have a certain power by virtue of the fact that we are the Congress under the Constitution granting certain powers to Congress.

Mr. CORDON. Mr. President, did the Senator give the citation of the case from which he just read?

Mr. PEPPER. Yes. It is *United States v. Curtiss-Wright Corporation* (299 U. S. 318).

Now, then, what are the powers conferred upon the Congress as a Congress regardless of any treaty at all? Suppose there had not been any treaty, what power does the Congress of the United States have, particularly with respect to the provision of armed force for the defense and the security and the immunity

from invasion of the several States of the United States? Of course, we know that one of the very first provisions in the preamble as the reason upon which we form this Union is "to provide for the common defense." That was one of the reasons for the Union—to provide for the common defense. I know that is not a grant of power, but that is a declared objective of the Government of the United States of America.

Then we turn to section 8 of article I and we find an enumeration of certain powers of Congress. They have already been pointed out. I should like to read:

The Congress shall have power to lay and collect taxes, duties, imposts, and excises, to pay the debts and provide for the common defense and general welfare of the United States; but all duties, imposts and excises shall be uniform throughout the United States.

I realize that lawyers and judges and courts have differed as to whether that means that Congress has a grant of constitutional power to provide for the common defense, or whether Congress under that provision merely has the power to collect taxes, duties, imposts, and excises for the common defense. Well, either way. If we have the power to levy taxes for the common defense we have the right to spend the money for the common defense and to use the taxes that we levy in furtherance of the common defense, and obviously we must have had a duty to provide for the common defense or we could not have levied taxes to provide for it. Of course, we know then that also the Congress has power to define and punish piracies and felonies committed on the high seas and offenses against the law of nations.

Mr. President, in an opinion which appeared in the New York Times of November 5, 1944, signed by John W. Davis, W. W. Grant, Philip C. Jessup, George Rublee, James T. Shotwell, and Quincy Wright, all of them eminent lawyers, the statement is made:

Congress may provide for the extraterritorial use of force in future contingencies under its powers to punish piracies and offenses against the law of nations.

Citing *United States v. Arizona* (120 U. S. 479, 483).

So in the opinion of those eminent lawyers, under that provision of the Constitution we have the power to send troops outside the United States under the power to define and punish piracies and felonies committed on the high seas, and offenses against the law of nations. It would be a strange thing if Thomas Jefferson, as President, had the power to send troops to stop the piracies upon our commerce by the tyrants of Tripoli, and yet Congress had not the power to authorize him to do so, since Congress has the power and duty to regulate the commerce of the United States, and the power and duty to provide for the common defense.

What about the power to declare war? We have already seen that there is, of course, a distinction between providing a police force subject to the command of the United Nations, a limited force—not the whole force of all our people, which

we have committed to this war in the declaration of war which we passed, but a limited force set aside or dedicated, as the able Senator from Colorado pointed out yesterday, to the use of this international organization to keep peace in the world and to protect us from invasion and war—and on the other hand, the whole force of all our people. Incidentally, while I am speaking on the subject, as every Senator knows, of course the Council delegate would not have the power to declare war. Neither does the President, nor the Secretary of State, who may, and perhaps should, sit on the Council as the representative of the United States. When the limited force which is committed and dedicated to the world organization is not enough, and when the whole force and strength of the United States is required, of course there is only one body which can make that force available through a resolution of war, and that is the Congress of the United States.

Congress also has authority to raise and support armies. The Constitution does not say armies which are stationed on the east coast, the west coast, around the Great Lakes, on the Gulf, or in the interior. It says armies—armies of the United States. We have just as much right to support an army in Europe as in America. Wherever it is defending American interests, it is an American Army. Of course, the Congress has the power to support it.

With regard to the power to provide and maintain a Navy, it is very interesting to me that some persons seem to think that we can send our Navy anywhere, but we cannot send armed soldiers outside the Western Hemisphere. Yet they are all a part of the armed forces of the United States. One would make himself ridiculous if he should contend that we could not send the American Navy outside the 3-mile limit. Who would dare say that we cannot send the American Navy to stop a potential aggressor anywhere in the world? Yet what is the difference between the American Navy and the American Army? We have power to provide and maintain a Navy for use anywhere it may properly be sent to protect American interests.

The Congress also has power to make rules for the government and regulation of the land and naval forces.

In that same section 8 are the words of the coefficient clause. We not only have power to do all those things, expressly delegated to us, but we have power "to make all laws which shall be necessary and proper for carrying into execution the foregoing powers."

There is another provision to which I wish to call attention, and which I have not heard mentioned in this debate. I refer to article IV, section 4:

The United States shall guarantee to every State in this Union a republican form of government—

Listen to these words—

and shall protect each of them against invasion.

That is a duty which is mandatory upon the Government of the United States. Taking the words which impose that duty upon the Government of the

United States and vesting that power in the Government of the United States, let me go back again to the coefficient clause in section 8 of article I of the Constitution. Not only does Congress have the power "to make all laws which shall be necessary and proper for carrying into execution the foregoing powers," but "all other powers vested by this Constitution in the Government of the United States or in any department or officer thereof."

In other words, Congress has the power to provide all that may be necessary for the Federal Government to discharge its obligation to guarantee every State against invasion. Mr. President, how could we better aid our Government in protecting our States against invasion than by providing police forces, associated with the forces of other nations, to stop aggression wherever it starts? The Constitution does not say that we must wait until the enemy reaches our coast, or that the Federal Government may not start protecting our States against invasion until the enemy is on our shores. It leaves it up to the Congress and the President to decide where it is necessary to use our forces in order to discharge the obligation to protect every American State against invasion.

All we are doing is putting those forces between the enemy and ourselves, to protect our American States from invasion. That is a power expressly conferred upon the Congress in the Constitution of the United States, without regard to any treaty. Of course, it has already been pointed out that the executive power, which is provided for in article II, section 1, "shall be vested in a President of the United States of America." What does that mean? When we say "executive power" we know that the executive power is the power of the Commander in Chief, whose duty it is to defend the country against its enemies, domestic and foreign.

We also know, Mr. President, as was attested by this able delegation of lawyers whom I mentioned, that even in the absence of such explicit provision, the President is responsible for seeing that the laws are executed. Under the Constitution a treaty is made the supreme law of the land. As Senators have pointed out, the President acts in the execution of a treaty just as he acts in the execution of a law. Therefore, the President himself has the power to use our forces to execute our laws and our treaties. That is the function of a department of government for which we have authority to provide, in the last paragraph of section 8 of article I of the Constitution.

Someone may say, "Well, that might be true theoretically." I should like to cite a very interesting case in which we have exercised that power. I have before me an article entitled "The Membership of the United States in the International Labor Organization," written by Manly O. Hudson, Bemis professor of international law at the Harvard Law School and a member of the International Court. I also have before me the resolution which Congress passed, by which we became a member of the International Labor Organization, for which there was no predicate in any treaty,

We took that action as the Congress of the United States. On June 19, 1934, the President approved a joint resolution of Congress which read as follows:

Joint resolution providing for membership of the United States in the International Labor Organization.

Mind you, the International Labor Organization was a part of the organization of the League of Nations, comparable to the way in which the Security Council is a member of the organization which is now being set up as the United Nations. We were joining the International Labor Organization, a part of the League of Nations, on June 19, 1934, by a joint resolution of Congress. I read the joint resolution:

Whereas progress toward the solution of the problems of international competition and industry can be made through international action concerning the welfare of wage earners—

And so forth. I shall not read all the "whereas" clauses.

Be it resolved, by the Senate and House of Representatives of the United States in Congress assembled, That the President is hereby authorized to accept membership for the Government of the United States of America in the International Labor Organization, which, through its general conference of representatives of its members and through its international labor office, collects information concerning labor throughout the world and prepares international conventions for the consideration of member governments with a view to improving conditions of labor.

2. That in accepting such membership the President shall assume, on behalf of the United States, no obligation under the Covenant of the League of Nations.

We limited it only, of course to the International Labor Organization.

That is the resolution. I read now from the American Journal of International Law, volume 28, page 670:

At the time of the adoption of this resolution, the International Labor Conference was holding its eighteenth session in Geneva, and American delegates were attending the Conference in the role of observers. On June 22, 1934, the American Consul in Geneva communicated the text of the resolution to the Director of the International Labor Office, with a suggestion that it might be made known to the Conference. The Director promptly acted on this suggestion, and the communication was warmly received by the Conference, which on June 22, 1934, unanimously voted to extend an invitation to the United States as follows.

Then the International Labor Organization extended an invitation to the United States to become a member of that Organization.

I continue to read, now on page 671:

This invitation was communicated to the Government of the United States, and it was accepted on August 20, 1934, by a letter addressed by the consul in Geneva to the Director of the International Labor Office, reading as follows:

This is an interesting informality:

In your letter to me of June 22, 1934, you advised that the International Labor Conference had unanimously adopted a resolution inviting the Government of the United States of America to accept membership in the International Labor Organization and there was transmitted with your letter a copy of the resolution, which in extending the

invitation states "that such acceptance involves only those rights and obligations provided for in the constitution of the Organization and shall not involve any obligations under the Covenant of the League of Nations."

I am now writing to say that, exercising the authority conferred on him by a joint resolution of the Congress of the United States approved June 19, 1934, the President of the United States accepts the invitation heretofore indicated, such acceptance to be effected on August 20, 1934, and, of course, subject to understandings expressed in the Conference resolution, and has directed me to inform you accordingly.

Mr. President, it is interesting that the way we got into the International Labor Organization was by having Congress pass a resolution authorizing the President to accept membership. That fact was communicated to the International Labor Organization. It drew up a resolution inviting us to join; and then the American consul in Geneva, acting for the President, notified the International Labor Organization that we accepted membership in the Organization. Someone asked, "That did not mean anything, did it?" It is pointed out here—I am now reading from the American Journal of International Law, page 484, volume 29:

It may be observed in passing that under the provisions of the constitution of the International Labor Organization (part XIII of the Treaty of Versailles), by which the United States is now bound as a consequence of the acceptance of membership in the organization, it will be obliged to submit to the compulsory jurisdiction of the Permanent Court of International Justice in certain cases and may be brought before the court at the instance of another member for failure to submit the draft conventions and recommendations of the International Labor Conference to the competent authority or authorities. Furthermore, the United States may be brought before the court on the charge of failure to comply with the terms of any international labor conventions to which it is a party. (See especially articles 415, 417, 418, and 423.) It thus happens that while the Senate refused to give, by a two-thirds vote, its advice and consent to the resolution of adherence to the court protocols which would not have given the court any jurisdiction over the United States without its consent, it voted unanimously to make the United States a member of the International Labor Organization under which it will be subject to the compulsory jurisdiction of the court in certain cases.

Mr. President, I think that is a matter of some weight and of some bearing upon this subject. The Senate of the United States had refused to give its consent to our becoming a member of the Court of International Justice or becoming subject to its jurisdiction. Yet by joint resolution, without any treaty, we did subject ourselves to compulsory process from that Court of International Justice. That, Mr. President, simply shows how great is the power of Congress, without any treaty as a predicate, acting in pursuance of its own authority, to authorize our President to commit us to certain obligations and relationships with other nations of the world.

Mr. MILLIKIN. Mr. President, will the Senator yield to me for a moment, please?

Mr. PEPPER. I gladly yield.

Mr. MILLIKIN. I was diverted at the beginning of the point the Senator is now making. I should like to inquire whether he announced the point.

Mr. PEPPER. The point I am trying to make is that without any treaty or specific constitutional predicate for it, but by virtue of the fact that it is the Congress of the United States which, under the law of nations, is a sovereign power, the Congress has certain powers with respect to authorizing this country to enter into certain obligations and relationships with other countries of the world.

In the second place, under specific grants of power conferred upon the Congress by the Constitution, the Congress has authority to authorize this Nation to incur certain obligations and enter into certain relationships with other nations of the world.

I was trying to give illustrations of the exercise of those powers by the Congress.

Mr. MILLIKIN. I was following with great interest the development of the limit, but I wished to be sure I understood the theme.

Mr. PEPPER. I thank the Senator very much for his interrogation.

Mr. MILLIKIN. Will the Senator further yield? I should like to ask one more question.

Mr. PEPPER. I yield.

Mr. MILLIKIN. The Senator is not contending, is he, that the special agreement or agreements referred to in article 43 could be authorized by any source other than the Congress, or other than by treaty?

Mr. PEPPER. None whatever—that is, does the Senator mean by the Executive alone?

Mr. MILLIKIN. Specifically by the Executive alone, is what I mean. The Senator does not contend that the Executive alone could authorize or execute such agreements, does he?

Mr. PEPPER. Undoubtedly there are instances in which the Executive might, if he wished to do so, use our forces extra-territorially in collaboration with those of other nations, as was done in the Boxer Rebellion, for example. But he could not make a binding commitment of this country to do so, one that would be binding on the full faith and credit of Congress. And, I will say to the able Senator, that so far no one has attempted to suggest that the President, without the concurrence of the Congress, either by treaty or by joint resolution, would enter into commitments, under this charter, for us to furnish certain forces to the International Organization.

Mr. MILLIKIN. The Senator would not interpret article 43 as authorizing the President to do that; would he?

Mr. PEPPER. No. I do not do that.

Mr. MILLIKIN. I thank the Senator very much.

Mr. PEPPER. I thank the Senator for his inquiry.

Mr. President, I should also like to refer to some other instances in which Congress, without any treaty, has also brought this Nation into relationship with other nations in connection with certain obligations, particularly the obligation to discharge a certain international function.

Mr. MURDOCK. Mr. President, will the Senator yield to me?

Mr. PEPPER. I yield to the Senator from Utah.

Mr. MURDOCK. In line with the question asked by the Senator from Colorado, the Charter does contemplate, does it not, however, that the negotiations in connection with the special agreements will be carried on by the President of the United States or the State Department, or both, as represent the executive department of the Government?

Mr. PEPPER. As a matter of fact, I would cite as confirmation of what the able junior Senator from Utah has just said the following words of Jefferson:

The transaction of business with foreign nations is executive altogether.

In fact, Mr. President, the Senators know that foreign nations have no right to take cognizance of what we do by virtue of a resolution here. That has been definitely decided by the courts, as the able Senators know; and the only authority that can represent us in negotiations and in carrying on our relationships with other countries is the President or his duly accredited representative.

Mr. MILLIKIN. Mr. President, will the Senator further yield to me?

Mr. PEPPER. I yield.

Mr. MILLIKIN. I believe the Curtiss-Wright case, to which the Senator has already referred has some very strong statements to the same effect.

Mr. PEPPER. Yes. I thank the Senator for referring to the Curtiss-Wright case.

Mr. WILEY. Mr. President, will the Senator yield?

Mr. PEPPER. I yield.

Mr. WILEY. I want to make sure that I received the correct interpretation of the distinguished Senator from Florida. I assume that he had reference to article 43 of chapter VII of the Charter. The language there provides that—

All members of the United Nations, in order to contribute to the maintenance of international peace and security, undertake to make available to the Security Council, on its call and in accordance with a special agreement or agreements, armed forces, assistance, and facilities, including rights of passage, necessary for the purpose of maintaining international peace and security.

I understood the Senator to say that the purpose of the words "special agreement or agreements" could be effectuated only by a joint resolution or treaty pursuant to the language to which I have referred. Am I correct?

Mr. PEPPER. The language could become effective only in that way.

Mr. WILEY. In other words, there could not be any such thing as an executive agreement to fulfill our obligations under this language.

Mr. PEPPER. No; I think it is clear in the mind of every Senator that the agreement by which we commit ourselves to hold available certain air forces, and other armed forces, is one which must have the sanction of the Congress of the United States, either through a treaty or a joint resolution. My opinion is, of course, that the joint resolution is not only preferable but far more in ac-

cord with our system. Inasmuch as this obligation requires an action of both Houses of Congress in order to bring about its fulfillment, it is an obligation which should be expressed by both Houses. That being done, we will never be confronted by the embarrassing question which arose even in Washington's administration. I refer to the question of whether the House of Representatives would support a treaty which had been made. As the Senator from Wisconsin knows, there were many cases during the history of this country in which the House was very reluctant to discharge its part of a treaty obligation which had been incurred by this country. The agreement will require the expenditure of money and the commitment of certain armed force. It is certainly more in harmony with the fact that the House is the concurrent body of the Congress, the one closest to the people, that it should be a party to the original commitment to the discharge of those powers to which I have referred.

Mr. WILEY. I thank the Senator. I think he has made the point very plain. I feel that his assurance will add strength to the interpretation which has been given when the matter comes up in subsequent years or months.

Mr. PEPPER. The Senator, of course, now understands that we are talking about the obligation to provide air forces and other armed forces under article 43. We are not talking about the authority of the delegate, our representative on the Security Council, or about how the United States of America should express itself in Council decisions.

Mr. WILEY. My question related definitely to article 43 of chapter VII of the charter.

Mr. PEPPER. That is correct.

Mr. MURDOCK. Mr. President, will the Senator yield?

Mr. PEPPER. I yield.

Mr. MURDOCK. I am very reluctant to ask the Senator the question which I have in mind, because I fear that I may anticipate the statements which the Senator may make.

It seems to me that all the argument which we have heard with reference to how the special agreements will be ratified, that is, whether they will be ratified by joint decision or ratified under the treaty-making powers of the Senate to advise and consent is largely beside the point, for the reason that of necessity the negotiations must be carried on through the executive department. Am I correct in that statement?

Mr. PEPPER. The Senator is correct.

Mr. MURDOCK. Then certainly the President of the United States is in control, is he not, of the method by which the special agreement or agreements will be submitted to the Congress? Does not the President have the election of whether or not the special agreement or agreements will be submitted to the Congress for action by joint resolution or under the treaty making power?

Mr. PEPPER. The President has such a choice. I believe I may say, however, in order to answer the question fully and speak my own mind, that if it were the sentiment of the Senate that an instrument which had been submitted to

the Senate as a joint resolution could be only a treaty, then under our oath to support and protect the Constitution it would be our duty to vote against the treaty on procedural grounds, as it were, and not agree to it.

Mr. MURDOCK. I agree thoroughly with the Senator.

Mr. PEPPER. But assuming that we admit here in the Senate that this matter may be handled by either a treaty or a joint resolution, and we let that fact be made clear to everyone, it is up to the Executive, as the able Senator has already anticipated, to negotiate the kind of agreement which he would like to submit, either in the form of a treaty or an agreement which would require only the concurrence of both Houses of the Congress through a joint resolution.

Mr. MURDOCK. Having done that, does not the President have at least the further power of choosing the means by which he asks for ratification? After the President submits the agreement, let us say to the Congress instead of to the Senate as a treaty, and says in effect, "I request approval by joint resolution," then certainly the Senate has the power under the Constitution to say whether or not in its opinion the instrument should be submitted as a treaty, or in a form which must be handled through a joint resolution.

Mr. PEPPER. The Senator is absolutely correct.

Mr. President, I have already given an example of the adherence of the United States to the International Labor Organization as a case in point wherein the Congress had authorized this country to enter that organization and assume its obligations without any treaty as a predicate.

I quote from a statement to the Honorable WARREN R. AUSTIN, the able Senator from Vermont, by Dean Acheson, Assistant Secretary of State, dated March 15, 1945, and placed in the RECORD as a part of the report of the Committee on Foreign Relations in respect to the membership of the United States in the Food and Agriculture Organization of the United Nations. I now read a part of Mr. Acheson's letter, which may be found on page 20 of the report:

The adoption by the Congress of a joint resolution authorizing the President to accept membership for the United States and authorizing appropriations for this country's share in the Organization's expenses, would be in accordance with long-standing constitutional practice. Actions by the Congress extending over a period of nearly 75 years provide many direct precedents for this course.

The United States joined the Universal Postal Union by virtue of the authority granted by an act of 1872 (17 Stat. 283). An act of Congress in 1890 approved this country's membership in the Pan American Union, then known as the Commerce Bureau of the American Republics (52 Stat. 275); an act of Congress in 1921 approved our membership in the International Hydrographic Bureau (41 Stat. 1215); joint resolutions in 1924 and 1928 approved our membership in the International Statistical Bureau (43 Stat. 112), the Permanent Association of International Road Congresses (44 Stat. 112), and the International Institute for the Protection of Childhood (45 Stat. 487). More recently, in 1934, a joint resolution authorized acceptance of member-

ship in the International Labor Organization (48 Stat. 1182). And last year our participation in the United Nations Relief and Rehabilitation Administration was also authorized by joint resolution (Public Law 267, 78th Cong., 2d sess.).

In addition to that, since the UNRRA agreement, which we entered into by joint resolution, we have entered into the Bretton Woods agreements, and the Food and Agriculture agreement, with many other nations of the world.

It seems, therefore, Mr. President, that there is no doubt whatever about the authority of the Congress to authorize agreements, regardless of a treaty, for the United States to participate in keeping the peace and preserving the security of the United States.

I should like to summarize what I think to be the general law on this subject by referring to an article called *The United States and International Agreements*, by Prof. Quincy Wright, of the University of Chicago, reprinted from the *American Journal of International Law*, volume 38, No. 2, July 1944. I think this is a good summary, perhaps, of the law on the subject. I read from page 345:

It has been contended that the constitutional authority to make international agreements depends on the subject matter of the agreement. Within a certain field, it is said, the President can make treaties alone, on other matters he can make them with consent of Congress, and on still other matters he can make them only with the consent of two-thirds of the Senate.

It has been suggested that the President alone can make agreements within the scope of his administrative powers derived directly from the Constitution or from congressional authority, within the scope of his military powers derived from his position as Commander in Chief, and within the scope of his diplomatic powers derived from his powers of receiving and sending diplomatic officers and of instructing negotiations. Congress, it is suggested, can authorize agreements within the scope of its legislative powers—

I have referred to various legislative powers affecting this subject which the Congress has—

and the President and Senate can make international agreements on "any matter which is properly the subject of negotiation with a foreign country."

This theory cannot be called erroneous; it accords with the usual method of constitutional construction which insists that constitutional authority be found to justify action by any agency of the Government. It does not, however, clearly define spheres for the operation of these different methods because the powers of the President, the Congress, and the treaty-making authority overlap to a great extent. Matters within the administrative, military, and diplomatic powers of the President overlap with many of the powers of Congress, and the two together would appear to cover everything which "is properly the subject of negotiation with a foreign country," except possibly certain matters within the reserved powers of the States.

The suggestion made from time to time that Executive agreements are obligations of lesser validity, binding only the President but not Congress, has not been accepted by other States. In international law the State is the unit and is bound as a unit. In practice, treaties and executive agreements have been treated as having the same force in both international law and domestic law; both have been held to supersede State laws, and both can be terminated as far as domestic law is concerned by act of Congress.

I call attention additionally to only these figures cited by Mr. Wright:

From 1789 to 1839 this country entered into 50 treaties with other countries, and 27 agreements; that is, agreements which were not agreed to by two-thirds of the Senate.

From 1839 to 1889 we entered into 215 treaties, and 238 agreements that were not ratified by two-thirds of the Senate.

From 1889 to 1939 we entered into 534 treaties, and 917 agreements not ratified by two-thirds of the Senate. Or there was a total of 799 treaties ratified by two-thirds of the Senate, and 1,182 agreements with other countries not ratified by two-thirds of the Senate.

On that same subject, Mr. President, I should like to cite a very interesting article by David M. Levitan, appearing in the *Illinois Law Review*, volume 35, No. 4, December 1940.

Now I should like to say a word about another subject.

Mr. MILLIKIN. Mr. President, will the Senator yield before he starts on that?

Mr. PEPPER. I yield.

Mr. MILLIKIN. I should like to suggest, most respectfully, that the Senator's case has its greatest strength when he is interpreting article 43, rather than when he pursues the theme that the Congress could do these things independently of a treaty. The latter involves an enormous field of debate, and I do not believe it is necessary to the Senator's case.

Mr. PEPPER. I am coming to that particular point.

Mr. AIKEN. Mr. President—

The PRESIDING OFFICER (Mr. MAGNUSON in the chair). Does the Senator from Florida yield to the Senator from Vermont?

Mr. PEPPER. I yield.

Mr. AIKEN. I should like to point out what in my opinion is the danger of leaving article 43 as it is, without having a show-down or interpretation of it at this time.

The Senator will recall that in 1909 the United States and Canada entered into a treaty regarding the boundary waters between the two countries. Article 13 of that treaty reads in this way:

In all cases where special agreements between the high contracting parties hereto are referred to in the foregoing articles, such agreements are understood and intended to include not only direct agreements between the high contracting parties, but also any mutual agreement between the United States and the Dominion of Canada expressed by concurrent or reciprocal legislation on the part of Congress and the Parliament of the Dominion.

The Senator will recall that even in the face of that explicit language, "concurrent or reciprocal legislation on the part of Congress," certain Members of the Senate questioned the right of the two governments to make an agreement regarding the St. Lawrence River; hearings were held on the matter, and because of the questions raised, any consideration of the subject on its own merits was effectively prevented.

Article 43 of the Charter of the United Nations, which I suppose has been read

20 times already, in paragraph 3 provides:

The agreement or agreements shall be negotiated as soon as possible on the initiative of the Security Council. They shall be concluded between the Security Council and members or between the Security Council and groups of members and shall be subject to ratification by the signatory states in accordance with their respective constitutional processes.

If a minority of the Senate could prevent an agreement between two nations by questioning the meaning of "concurrent or reciprocal legislation," they could, if they were so minded, certainly hold up any action between two countries in view of the language of article 43, because "respective constitutional processes" might be interpreted in different ways.

It occurs to me that, in order to be on the safe side, an interpretive amendment should be offered to the resolution approving the United Nations Organization Charter and should be acted upon here and now, before the Charter is ratified, so that in the future a small minority may not be able to nullify the participation of the United States in the United Nations organization, because they most certainly would adopt that method of doing it.

I do not expect there will be many or any votes against the United States participating in the United Nations organization. I should be surprised if there were any. But if the Charter is ratified and approved by the Senate with article 43 undefined in any way, we may be sure that a small minority could effectively block the United States in fulfilling its obligations later.

Mr. PEPPER. Mr. President, the able Senator is absolutely correct, in that if we do not have it clearly understood in this debate that either procedure is possible, so that if the Executive does adopt the procedure of the joint resolution, the claim of invalidity is not going to be made seriously upon this floor, then I think in the interests of discharging our obligations under the treaty, it would be highly desirable to have a reservation. But in view of the fact that we are so anxious, all of us, not to have any single change in the Charter from the excellent form in which it comes to us, and in view of the fact that I think since yesterday afternoon it has been so completely admitted upon this floor that while some might prefer the treaty process, none deny the power of the Congress to take the action by joint resolution, I think the record is so clearly made that the President will, without any question, take cognizance of this debate and the absence of any assertion that a joint resolution is not adequate, and we will adopt either the treaty method or the joint resolution process, as he may prefer.

Mr. AIKEN. Mr. President, I do not pretend to know whether the debate as it will appear in the *RECORD* will be adequate to deal with the situations which will arise later, but it was my idea that if an interpretation clearly defining the meaning of paragraph 3 of article 43 were offered we could quickly find out who is supporting the United Nations Charter

in full sincerity and who is supporting it with his fingers crossed with the intention of nullifying its effect later on.

Mr. CONNALLY. Mr. President, will the Senator yield?

Mr. PEPPER. I yield.

Mr. CONNALLY. Allow me to suggest to the Senator from Vermont and the Senator from Florida that placing a reservation in the Charter could only serve as a reservation with respect to other nations. This is not a foreign matter. This is a domestic question which we have to settle here. So there would be no value in tying on a reservation and telling Uruguay and Paraguay and other countries in South America or Europe or elsewhere just what we intended to do.

Furthermore, let me suggest that any reservation we might now adopt would not be binding. A future Senate or a future House, when the President submits this matter to the Congress, would be the ones who would have to take the responsibility. So it seems to me that regardless of our views as to whether it ought to be done by joint resolution or by treaty—and I think it could be done either way—regardless of our views, it seems to me that it is unnecessary to determine or to undertake to determine that question now. We will have to determine it when it comes back to us, and no matter how many reservations we might attach to the document now, when it comes back we would be free to wipe them all out and act upon the impulses of the moment or the decisions of the moment. I merely wanted to make that suggestion. So I think it would be unfortunate and unwise to adopt a reservation.

Mr. PEPPER. Does not the able Senator from Texas think that the legislative record we are making here confirms the opinion that has just been expressed by the Senator from Texas that it could be done either way?

Mr. CONNALLY. Yes; I think that is true. It leaves the question open for future consideration when we have to act upon it, and I think that is much more desirable than to spend a large amount of our time trying to determine something which may not be presented to us when the matter comes back to us.

Mr. MILLIKIN. Mr. President, will the Senator yield?

Mr. PEPPER. I yield.

Mr. MILLIKIN. I should like to say that I am in complete agreement with the statement of the distinguished senior Senator from Texas that this is a domestic question and that it would be inappropriate to tamper with the Charter to clarify it, either by way of reservation or by way of attempting to get an amendment. The thing I am primarily interested in is that it be clearly understood in the debate that it may be one or the other. It may be by a treaty or it may be by action of Congress, but that it shall not be by executive agreement. As long as that remains clear I do not believe that we need any reservations, which would be superfluous anyhow, because they would have international significance, whereas this is a domestic matter. But if that became unclear, then I think we would have to clear it up—not

with a reservation, but with an interpretative resolution, which I hope will be unnecessary.

Mr. PEPPER. I think the matter is very clear now, Mr. President, with that splendid statement made by the Senator from Colorado and the very excellent statement made by the Senator from Texas, together with the debate of yesterday, and the very fine, magnanimous statement made by the Senator from Michigan about his own opinion as well as his conversations with Mr. Dulles. I think now the record is absolutely clear, and it is up to the Executive to choose either method he prefers in sending it to the Congress, but we all equally agree that the President cannot make a valid commitment about this particular subject without reference to the Congress.

I want to add only this further phase. I have been trying to make the argument that even without the predicate of a treaty upon which we base such commitments for supplying forces as this charter contemplates, Congress would have the power to authorize the President to do it, first, because we are the Congress of a sovereign under the law of nations, and, second, because we have certain powers under the Constitution of the United States.

The third and, as the able Senator from Colorado pointed out, the easiest ground is that this Charter is a treaty. We are ratifying this Charter by two-thirds vote, not by joint resolution. It is a treaty, and in this treaty, as every Senator who has spoken on the subject has pointed out, we have committed ourselves to supply these forces that may be agreed upon later, that may be determined in detail later. Now then, with that predicate, with the predicate of a treaty ratified by two-thirds of the Senate, surely no one would say that of necessity the carrying out of the treaty has to be by two-thirds vote and could not be by joint resolution.

Mr. MILLIKIN. Mr. President, will the Senator be good enough to yield once more?

Mr. PEPPER. Yes.

Mr. MILLIKIN. I was trying to suggest that it is best that the supplemental action of one or the other types that we have mentioned should, as the Senator has pointed out, use the treaty as a predicate. When the Senator gets away from that and tries to base it on the alleged inherent right of Congress, of both Houses of Congress, to touch the same subject matter, then I most respectfully suggest to the Senator that he is getting into a highly debatable field.

If I may add a personal note, I have researched the thing myself. I know how debatable it is. I suggest to the Senator that it is not necessary to his case.

Mr. PEPPER. Very well. The Senator is undoubtedly correct, that there surely can be no dispute in the third category. But I believe the authority of Congress in this matter is also clear under the other two categories I have listed. We might disagree about conclusions, but I do feel clearly that there is a field where the authority of the Congress to act by joint resolution in authorizing the Executive to establish

certain relationships with other countries and the treaty-making power overlap, and the Executive may resort to either, and he may act when authorized by either power.

Mr. President, as we all know, the case which is the clearest case on this point of Congress having power to implement a treaty which we have just been discussing is Missouri against Holland, decided in October of 1919 by the United States Supreme Court, and in which Mr. Justice Holmes delivered the opinion of the Court. In that opinion he used these words:

If the treaty is valid there can be no dispute about the validity of the statute under article 1, section 8, as a necessary and proper means to execute the powers of the Government.

As we lawyers all know, there was a case where the predicate of the treaty gave the Congress power to regulate the killing of migratory birds in the several States of the country, which it could not otherwise have effected had the treaty not been in existence as the predicate. In other words, by the existence of a treaty Congress had conferred upon it a power which it did not otherwise possess. So even if we do not have power under the Constitution to supply these forces contemplated by article 43, yet if our Government in the proper way, through the President negotiating it and the Senate ratifying it by two-thirds, by entering into a treaty made a commitment for us to do this thing, we would have the power to do it. So of course there would be no question that we have the power by simple act or resolution to provide for the common defense, to protect the States of the Nation against invasion and, under the coefficient clause of the Constitution, to do all things necessary and proper to carry out our treaty obligations.

Mr. President, I want to add just another point or two. The Senate has been very kind in listening to me. Now that we agree that the United States has stepped into a new role in world affairs, now that we have agreed that the joint resolution may be a method by which we may implement our international obligations, I respectfully wish to lay before the Senate the suggestion that we ought to eliminate this doubt about whether the discharge of our international obligations will have to be by treaty or by joint resolution. Whatever may have been the original situation when the Constitution was adopted, the relative position of the House and of the Senate today, and the necessity of our making instantaneous or prompt decisions about international affairs, needing the concurrence not only of both Houses of Congress but of the country, require that we clarify that question, and in one way or another, under the Constitution, provide that both Houses of Congress, by majority vote, in any case may authorize the President to enter into international commitments for this country.

As the Senate knows, the House of Representatives has already taken the lead on this subject. A little while ago the House passed a joint resolution calling for a constitutional amendment to

provide that hereafter treaties shall be made by the President by and with the advice and consent of both Houses of the Congress, provided that a majority of the total membership of both Houses concur. As the joint resolution was reported from the House Committee on the Judiciary—and incidentally it was authored by the able Representative from Texas, Mr. HATTON SUMNERS, chairman of the House Judiciary Committee—it reads:

Hereafter treaties shall be made by the President by and with the advice and consent of both Houses of the Congress.

It was modified in the House in April or early May, and now provides:

Hereafter treaties shall be made by the President by and with the advice and consent of both Houses of the Congress.

And in appropriate words, there is a proviso providing that a majority of the total membership of both Houses shall concur.

I am not optimistic today as to the action the Senate will take on the joint resolution. I suspect—indeed, I fear—that the statements which have emanated from the Senate Committee on the Judiciary and from certain able Senators rather forebode the joint resolution to defeat in the Senate, very much to my regret. I believe that if we are to step out on the stage of world affairs we must modernize our peace-making and peace-keeping machinery. One way to modernize it is to eliminate the two-thirds rule respecting treaties. It is not right for two Senators to have their votes for the maintenance of world peace negated by the vote of a single Senator of equal dignity, rank, and status in this honorable body. It is not right for 17 Senators to have the power to defeat the peace of the world. It is not right for a minority of this body not only to defeat the will of the majority of the people of the country, but the will of the majority of the House of Representatives, and the overwhelming will of the majority of the Senate itself. That is not democracy in modern affairs.

Mr. President, we know of a great many instances in which treaties have been defeated because the necessary two-thirds vote in the Senate could not be obtained. Without going into the annals of the past, but thinking only about the future, the agreement contemplated by this Charter is not the only one which we shall be called upon to make. From now on Members of the Senate will be attending international conferences. And let me divert a moment. I cannot praise too highly the procedure carried out by President Roosevelt in sending a bipartisan delegation to San Francisco and to Chapultepec. I think it could not have been better. It is a procedure which I hope every subsequent President will pursue. This is not the country of the Democrats or the Republicans. Neither Democrats nor Republicans exclusively fight a war. This, thank God, is America. It is the country of all of us.

As President Roosevelt pointed out in his letter to me on the 9th of April:

What is needed is the removal of the political point of view on the part of some

Presidents and many Senators. There are altogether too many instances throughout our history—some of them, even recent ones, completely unnecessary.

That means, of course, that just as these able Senators have done, other Senators and other Members of the House will go to great international conferences, not as Republicans, not as Democrats, but as patriots. I believe that a marvelous thing has been done in the way both parties have assumed the obligations of citizens and Americans in the discharge of their respective duties in international affairs in recent months. As we all know, there are two ways to amend the Federal Constitution and do away with the two-thirds rule relating to treaties. One is by having the Congress, by a two-thirds vote in both Houses, submit to the States for ratification an amendment to the Constitution. The House has already passed such a measure. I am not sanguine enough to hope or believe that the Senate will do likewise.

Does that mean that we must keep the two-thirds rule and that forever one Senator who opposes peace shall have the power of two Senators who favor it? I do not believe so. What is the alternative method? Under article V of the Constitution of the United States, two-thirds of the States have the right to initiate a proposed amendment to the Constitution of the United States by asking the Congress, through legislative resolution, to call a constitutional convention for the purpose of proposing amendments to the Federal Constitution. I hope I will be forgiven for the pride which I have in the fact that the following resolution, passed by the Legislature of Florida, is the first such resolution to be passed by the legislature of any State. It is entitled "Senate Joint Resolution" and reads as follows:

JOINT RESOLUTION OF THE LEGISLATURE OF THE STATE OF FLORIDA IN REGULAR SESSION ASSEMBLED, A. D. 1945, APPLYING TO THE CONGRESS OF THE UNITED STATES TO CALL A CONSTITUTIONAL CONVENTION TO PROPOSE AN AMENDMENT TO THE CONSTITUTION OF THE UNITED STATES RELATING TO THE MAKING OF TREATIES

Be it resolved by the Legislature of the State of Florida:

SECTION 1. That in accordance with article V of the Constitution of the United States of America the Legislature of the State of Florida does hereby make application to the Congress of the United States to call a Constitutional Convention for proposing an amendment to the Constitution of the United States by adding thereto an article providing substantially as follows:

"ARTICLE —

"Hereafter treaties shall be made by the President by and with the advice and consent of both Houses of the Congress."

SEC. 2. That a duly authenticated copy of this resolution be transmitted by the secretary of state of the State of Florida to the President pro tempore of the United States Senate, and to the Speaker of the House of Representatives of the United States.

I am proud to say that subsequent to the enactment of that resolution the Legislature of the State of Connecticut adopted a similar resolution, as did the Assembly of the Legislature of California. I do not believe the California Senate agreed to it. But at least two States

have now addressed such a petition to the Congress, and the assembly of one other State has adopted a similar measure. I neglected to say that I am sure the Congress has been appealed to by the States of New Hampshire and North Carolina—I am not sure as to the other States—however, three or four States have appealed to the Congress to enact the kind of joint resolution which the House has adopted, that is, for the Congress itself to propose an amendment to the several States.

Mr. President, if we as a Senate ever again defeat the will of the people of this country in respect to treaties, they will take away from us the treaty-making power, and they should do so. The people now have their eyes upon the Senate. They do not want us to make the sacrifice of their sons vain. They do not want us to put politics above patriotism. They do not want us to put prejudice above peace. We are their hope.

We must, to modernize our peace-making and peace-keeping machinery not only abolish the two-thirds rule relating to treaties but we must abolish the power of the filibuster respecting treaties or agreements with other nations.

Mr. President, I submit, therefore, for appropriate reference a resolution. In substance it provides for a cloture rule respecting treaties and agreements with other nations, or a motion to take up a treaty or agreement with other nations when 16 Senators file a petition for cloture, and the majority of the Senators agree to the limitation of debate. I wish to make clear that the resolution relates only to treaties or agreements with other nations, or to motions to take up treaties or agreements with other nations.

The PRESIDING OFFICER. Without objection, the resolution will be received and appropriately referred.

The resolution (S. Res. 159) submitted by Mr. PEPPER, was referred to the Committee on Rules, as follows:

Resolved, That rule XXXVII of the standing Rules of the Senate is amended by adding at the end thereof the following new paragraph:

"4. If at any time a motion, signed by 16 Senators, to bring to a close the debate upon any pending treaty or agreement between the United States and any other nation or nations or upon any motion to take up any such treaty or agreement is presented to the Senate, the Presiding Officer shall at once state the motion to the Senate, and 1 hour after the Senate meets on the following calendar day but one, he shall lay the motion before the Senate and direct that the Secretary call the roll, and, upon the ascertainment that a quorum is present, the Presiding Officer shall, without debate, submit to the Senate by an aye-and-nay vote the question:

"Is it the sense of the Senate that the debate shall be brought to a close?"

"And if that question shall be decided in the affirmative by a majority vote of those voting, then said treaty or agreement between the United States and any other nation or nations or the motion to take up such a treaty or agreement shall be the unfinished business to the exclusion of all other business until disposed of.

"Thereafter no Senator shall be entitled to speak in all more than 1 hour on the pending treaty or agreement between the United States and any other nation or nations or such motion to take up such treaty or agreement, the amendments thereto, and motions affecting the same, and it shall be the duty

of the Presiding Officer to keep the time of each Senator who speaks. Except by unanimous consent, no amendment shall be in order after the vote to bring the debate to a close, unless the same has been presented and read prior to that time. No dilatory motion, or dilatory amendment, or amendment not germane shall be in order. Points of order, including questions of relevancy, and appeals from the decision of the Presiding Officer, shall be decided without debate.

"After the adoption of this paragraph the provisions of rule XXII relative to closing of debate shall not apply in the case of any treaty or agreement between the United States and any other nation or nations."

Mr. PEPPER. Mr. President, it has been stated that it is propaganda which leads to the feeling of the people about this peace. A Washington newspaper stated this morning that it wondered how much such propaganda had cost. No, Mr. President, it was not propaganda which actuated our two fine Senators at San Francisco. It was not propaganda which actuated all our delegation at San Francisco. It is not propaganda which moves the Senate today to its remarkable unanimity. It is not propaganda. It is the prayers of the people of this country.

It is something else, Mr. President. In World War I, within our own lifetimes, and in which many Senators splendidly participated, the Allies suffered 22,094,000 casualties—a number exceeding the combined populations of New York and Pennsylvania. They were killed, injured, or taken prisoner.

The Central Powers had 15,404,477 casualties. The total casualties in World War I were 37,499,386.

In World War II, occurring within the same generation, the total casualties of all belligerents in the European theater only were 60,000,000. Those figures come from authentic sources. The United States has had in this war over a million casualties, Mr. President.

Mr. President, I will tell you what made the sentiment which supports this Charter when I read an article which I have saved for this occasion for some time. It was written by a man who writes for one of the Miami newspapers. His name is Jack Kofoed. He himself had honorable service in the Army. This is what he said upon a subject which the Senate will recognize:

ALL THAT'S LEFT—PICTURE, MEMORIALS, A CROSS—JACK DIED BEFORE HE EVER LIVED
(By Jack Kofoed)

Casualty lists are merely sad, impersonal lists until the name of a loved one appears on them. Then it wraps up in one line of type all the sadness and futility of life, all the beastly terror of war.

Our boy, Corp. Jack Kofoed, of the United States Marines, was killed at Okinawa. Big 6-foot 3-inch Jack, with his blond hair and blue eyes. Not quite 20 years old. A wife with whom he had spent only a few weeks. A baby he had never seen.

Now he's gone. The fate that rules humanity must have a bitterly cynical sense of humor. Our youngest and finest thrown into the grinding hopper to die or be mutilated. Every city in the world crawling with the useless and unfit, profiteers, slimy black-market operators, playboys. It doesn't augur well for the beautiful postwar world everyone talks about, when it will be shaped by many such as they.

I felt sad when Mr. Roosevelt died. That sadness was intensified when Ernie Pyle was killed, for I had known and admired him.

But it's different now. There is a numbness inside, a sort of unbelieving wonder. Roosevelt had risen to one of the great places of history. Pyle had lived life to the full for 40-odd years. But Jack, like John S. Knight's boy—

John S. Knight is owner of the Miami Herald—

and thousands of others like him, had not even begun to live. All the gay and eventful and successful years were ahead. Now he will never know them.

All that is left are a picture on the living-room wall and a cross on a stinking Pacific island.

The kid went out because he was an idealist. He joined the Marines when he was only 17. "From the halls of Montezuma to the shores of Tripoli." The Marines fought everywhere. They were given the toughest assignments. That's what he asked for. They sent him to a V-12 course at Bucknell. It would last a couple of years and he'd get a commission. After a little while he rebelled. I was with the Eighth Air Force in England. Jack wrote me that he had joined the marines to fight, not to go to school. He "wanted out."

There was no argument I could give him. Wars are won by the men who fight. America has lived because of them. But my heart was cold when I told him that. I had seen two wars. I had seen men die. So Jack transferred to the Sixth Marines, and when the invasion of Okinawa started I knew that was it. All parents who have boys at the front of the front know. There may be no mail for weeks on end, but, so long as the telegram does not come, there is hope—painful, worried hope, but hope just the same.

Then, with that single slip of paper, the world crashes about your ears, as it has crashed about the ears of millions during the past sad 5 years. We may win great victories on land and sea, but to parents like us, whose sons have been the price of those victories, flavor has gone out of the news. We are as staunchly Americans as ever; as determined to do all we can to help, but there is something different.

LORD! WHEN YOU LOOK BACK

That sunny September morning in 1939. Remember Chamberlain's sad and tired voice on the radio announcing that England had declared war on Germany over the invasion of Poland. We didn't know it, but to hundreds of thousands of American parents those words were the death sentences of boys still in grammar and high school. And December 7, 1941, with the holocaust of Pearl Harbor.

I don't want to be maudlin. Life, in its entirety, is more sweat and tears than laughter. Things happen, and if you are to retain sanity, and carry on the business of living, you must accept tragedy as you accept joy. If there is a living God, as the ministers and priests tell us, there will be a reward for Jack's honesty and eagerness and courage. He died as a soldier for his country. We must all die sooner or later, and his was brave and gallant, though it came too soon.

But, why should it be? Why should the peoples of the world still live by the law of claw and fang? I think of Jack, because Jack was ours, but it is as true of every other boy who makes up the millions of the dead. They didn't want mud and cold and danger; the heat of the tropics and endless weariness, bombs and shells and bayonets. All they wanted was a chance to live and love and work. That chance was never given them.

I NEVER SAW HIM IN UNIFORM

Our last meeting was quite casual. Jack was joining the Marines and I drove him to Marion's house—she is the girl who became his wife and the mother of his child. We shook hands and said a few words. There was nothing to indicate that would be the last time I would ever see my son. If there had been, well, I don't know. There was

still nothing more to say, not a thing in the world.

All we have now are memories—inconsequential, lovely memories. I remember when I saw him first a few hours after he was born, the first day he went to school; how I'd cuddle him on my lap at night and sing him songs of the last war in a gravelly voice, the night he went, in cap and gown, to get his diploma at Edison.

No, I don't want to be maudlin, but those things come back and fill my heart. He did his duty as he saw it, and now there is nothing left but the picture on the wall and the cross on Okinawa.

Mr. President, we now by adopting this Charter and later faithfully and religiously carrying it out, can keep other noble boys from being pictures on the wall and crosses upon some remote island.

Mr. SALTONSTALL. Mr. President, there are just two points that I should like to emphasize in this discussion. Perhaps they are so clear that they need not be mentioned, but even when things are clear we sometimes forget them. We need to remember them or keep them constantly before us if the ratification of this Charter is to mean anything to us. We are ratifying it and taking this first step toward greater cooperation between nations for their common good. In recent years much thought, study, and effort have been given by God-fearing and peace-loving men to the development of some such charter for the settling of world differences, so that the suffering and the sacrifices of World War II will not be so much in vain and so unproductive of human progress as were the heartaches of World War I.

In working for such a Charter we sometimes lose sight of our objective. That objective for us in the United States, as I see it, is to have a lasting peace which will permit the American people to hold jobs that give a sense of security, to own homes in decent communities, and to give their children a little better education and a little greater opportunity than they themselves have had.

We want a government in which all of us have a hand; a government in which we believe and trust; a government that will help us to obtain these objectives in life; a government which will continue to foster the ideals under which this country was founded and built. Above all, we want a government which respects the rights and privileges of the individual and constantly seeks to attain the underlying American principles of freedom and justice.

We are now taking, in concert with other peace-loving nations, the practical steps needed to put the United Nations Charter into operation. This is not an act of sacrifice on our part, nor is it an act of sentimentality. It is our best means of obtaining security in the future, and of attaining our objective of life in the United States. To make certain of our security we also intend to retain a large navy, a sufficient army and air corps; and to maintain the necessary bases for our armed forces in the Pacific and in the Atlantic. We know such measures are needed to help us retain and maintain our own security.

I respectfully disagree with the distinguished Senator from Montana [Mr.

WHEELER] who a few days ago stated that the effort to maintain a large army and a large navy showed that we had no confidence in the Charter. As I see it, we have an optimistic hope that this Charter will provide us ultimately with greater security. But until we are certain of that, we want to maintain a large navy and a substantial army. As our confidence in the Charter grows, we hope and pray that the need for armed forces will grow less. While taking these steps to put the United Nations Charter into operation and to retain sufficient armed forces to insure our security, we must expect other peace-loving nations to feel the same way as do we. England, France, Russia, China, and every other nation, large and small, has its own needs, its own desires, and its ultimate objectives. We must thoroughly understand and realize the strength of these feelings. To make the United Nations Charter worth while there must be a spirit of give and take, not only among the leaders of nations, as is taking place today in Potsdam, but also among the millions of citizens in every country. Each of us must have a larger sense of our part in world affairs. It has been a people's war. It must be a people's peace.

As one who comes from a section of our country which was settled early and which still, in its local government and in its customs, retains traditions of those early days, I sense deeply this growth in the feeling of being better neighbors to other and diverse peoples as the world becomes smaller with better means of communication and faster means of transportation. One result of this smaller world is greater centralization of governmental authority. We have progressed from the town meeting to the colony; from the Continental Congress to the National Government; and now to this Charter creating an organization of nations. Here in the United States each step came from a desire to give greater security to each individual citizen, a security that would result in a greater opportunity to accomplish our objectives in life, namely, more freedom, more liberty, and greater chances for the citizen and his family. With the ratification of this Charter we take another step forward, a perfectly logical step on a path still untrod, but with a beckoning horizon toward which it clearly leads.

But our forward progress can be easily stopped unless we exercise the same qualities that have advanced us thus far. I place highest among these: courage, hard work, conscientiousness, sense of duty, patience, eternal optimism, the will to cooperate with one another, and, finally, the sense of individual responsibility in and for our Government.

Courage and the love of freedom brought our fathers across the Atlantic in small sailboats. Courage, the love of justice, and the rights of the individual have brought men to our shores from that date to the present. Hard work, eternal optimism, the determination to overcome disappointments and the spirit of adventure have built this country into the strongest Nation in the world. That it has become so strong is the result of the efforts of the individuals who have

been filled with this yearning for opportunity, this knowledge that the results of their own hard work would benefit them. Behind it all is their understanding of the need to get along with one another for their common advancement.

This Charter represents a practical step toward greater mutual understanding. In the last few years science has created better communications and faster transportation, and the world has become much smaller. As a result, peoples of different countries step on each other's toes more easily, and get in each other's way more often in competing for better opportunities in the world. Thus we have had wars. Now we seek a long peace. But we also realize that this step for greater cooperation can be easily lost if we do not adopt the right attitude toward it.

We in this country cannot expect other nations to have the same reactions as do we, the same concept of government, the same religious emotions, or the same method of fulfilling desires in life. But that does not mean that we cannot work together to accomplish mutually desirable ends. It does mean that we must exercise those qualities of patience, and those broad and sympathetic understandings that have built our country to its present potentiality. It means that we must never have a "holier than thou" attitude toward our neighbors in other countries. If we and the peoples of other nations have this patience and understanding, we can expect gradually to go forward step by step toward our goal of lasting peace. But in going forward we in the United States must keep always uppermost in our minds the conviction that we are not going to liquidate our own country's security, its form of government, or its method of life. We must never lose sight of that fact, nor, likewise, can we expect other peoples to have any other attitude toward us. Such self-interest is human. We understand it when we have dealings with individuals. We must anticipate it in dealings between nations.

In building our own country we faced discouragements with a smile and a determination to keep everlastingly going ahead. Never did we quit. In this war we have worked hard and have shown our ability to fight and to produce the weapons with which to fight. We have shown temperance toward our neighbors in using our great strength. We have not sought further conquest. When peace comes and we embark on this new effort to better world cooperation we must work equally hard to overcome the problems of peace as we have overcome those of war.

Common sense and the need to work together have overcome all differences with our allies at war. Common sense and the continuing need to work together must overcome all differences with other countries at peace.

The privates and generals of the United Nations armies worked side by side with understanding and mutual cooperation to win this war. The average citizens and leaders of the United States and of other countries must likewise

work together to make the peace worth while. Neither generals nor civilian leaders can, by themselves, win a war. Likewise they cannot alone make a peace worth while.

Mr. President, it is with this philosophy and in this spirit that I hope the Senate will ratify this Charter and put it into operation. The stake is the future of our children and grandchildren and the children and grandchildren of the peoples of other countries. The road is charted. Let us go forward on that road unflinchingly but with care, courageously but with prudence, mindful of our own country's welfare but with unfailing understanding of the needs of our neighbors in the world.

Mr. McCLELLAN. Mr. President, the United Nations Charter, recently drafted at San Francisco and signed by the delegates and representatives of 50 nations, and which is now before the United States Senate for ratification, is possibly the most momentous document ever produced by man. This conception of it, I believe, has already met with general and common acceptance. So strong, apparently, does informed public opinion approve of its high objectives and purposes, the fundamentals which it embraces, and the mechanics provided for achieving those objectives that there can hardly be real necessity for debate or argument in this Chamber in support of its ratification. That the Senate will ratify the charter is a foregone conclusion. Obviously, there will be relatively few, if any, votes against it.

So, Mr. President, it is not with any thought of influencing any of my colleagues in their decision, or with the hope of making new friends for the Charter, that I take the time to make these remarks and observations about it. But, Mr. President, as we are about to enter upon this great venture, and since, under our Constitution and form of government, it is the United States Senate that has the final responsibility and decision—the power to accept or reject it on behalf of our Government and to assume the responsibilities the Charter imposes—I believe it the duty of every Senator to express his views and make such comments as he deems appropriate. To me, Mr. President, it is a cherished privilege, and I am happy indeed that I am permitted this opportunity of recording my sentiments and to announce to my colleagues and to everyone that I shall vote for its prompt ratification without amendment or reservation.

I doubt that any of us will ever again have the opportunity of casting a vote on any legislation, issue, or treaty that involves so much to so many, not only to our own people but to all mankind, as is involved in this Charter, which is to serve as the basis—the fundamental law of relationship—between nations in the pursuit and hope of establishing, insofar as it is humanly possible, "peace on earth, good will toward men."

Mr. President, it is the ultimate goal, the sincere hope, and the high purpose of the signatory countries and the peoples they represent, to eliminate and forever remove mankind's worst enemy, the scourge of war, from the face of the

earth, and thus attain the fulfillment of one of the highest aspirations of all civilized peoples of the world.

We know from history, and from bloody, horrible experiences of the past, that the fighting and winning of a war—even a world war—does not and cannot, within itself, end wars. We indulged in that false hope during and following World War I. The truth is, war begets war. It engenders bitter, burning hatreds that descend on down to succeeding generations. The spirit of hostility and venegance lives on and grows, and this smoldering force creates a constant disturbance to relationships between races, peoples and nations. It constitutes an ever-present and continuing threat to the security and happiness of human beings and to the peace of the world. The result is that these smoldering fires can easily be fanned and inflamed by tyrannical leadership who seek and see the opportunity for military conquest, self-aggrandizement, and world power, and then another war becomes inevitable.

As never before, Mr. President, it is now recognized by all the freedom-loving peoples throughout the world that the military victory that has just been achieved by the United Nations over the Axis Powers, great as it is, and the imminent victory over Japan, great as it will be, are not, within themselves, sufficient to guarantee and insure future and lasting peace. These military victories, of course, are indispensable and a prerequisite to peace, but they must be implemented by a strong instrumentality—an organization participated in and supported by the moral, spiritual, and physical forces of human society, nationalities and governments; an organization established and so vested with the authority and equipped with facilities for settling disputes among nations by peaceful means of collaboration, negotiation, and arbitration, and with the power as a final and last resort to compel the keeping of the peace and to prevent war, if necessary, by the use of armed force.

Mr. President, after we shall have traveled a long distance down the vista of time, experience and developments may reveal that the adoption of this Charter and the establishing of the General Assembly, the Security Council, the International Court of Justice, and the other agencies created by the Charter, in reality constitutes only a small beginning of what we may later discover necessary to bring about the crystallization into reality of the hopes we now entertain, but it can now be said, and will not be refuted then, that the United Nations Charter represents the maximum in sincere and conscientious effort on the part of 50 nations of the world to recognize, agree upon, and establish the fundamental principles and basis for international relationships in a new world order with united action by a great majority of the nations of the world in the cause of permanent peace.

There may be some few skeptics—some who honestly believe that this Charter may some day turn out to be just another scrap of paper, embodying simply the ex-

pressions of false hope and illusions of an ultimate goal impossible of attainment in the field of human endeavors. But, Mr. President, I do not believe that the reward of the prayers, the hopes and the vision of a bleeding and suffering world that is seeking light and trying to do a righteous thing will simply be a mirage of dangerous and compelling forces leading us on to endless despair and destruction. I have greater faith. I believe that our representatives at the San Francisco Conference and all who took part in the development and drafting of this Charter, as well as the great masses of humanity that are represented by the governments involved, have all been motivated by the same spirit that imbued our forefathers in 1776 when they dared to declare their independence from the tyranny of the Old World and set forth on that great experiment, as expressed in the immortal Declaration of Independence, to establish a new world of freemen with all of the changes and attending blessings it gave promise to achieve. Likewise, we now take this step, Mr. President, in the hope that we can break and rip asunder the chains of war that have shackled and enslaved humanity to the sufferings, sorrows, and sacrifices of blood and life through the centuries past.

We need not boast of perfection, Mr. President. We may readily concede that this document is not perfect. That would be too much to claim for it, and more than anyone could rationally expect of it. It has some flaws in it, no doubt. After all, it is the product of finite minds and was penned by human hands. Maybe some day a better charter can be written, but none better has thus far been produced. There is contained in this Charter the collective wisdom, ingenuity, and statesmanship of the best minds and characters of a great majority of the governments of the world, including all of the major powers, save and except those governments who are now and who have been our enemies in the Second World War.

Mr. President, we dare not procrastinate and unduly delay our entering upon this great enterprise—this highest and noblest of experiments upon which governments and human society have ever engaged or undertaken. The dangers in postponing affirmative action and in waiting and hoping for something better while nothing is done are too great for us and the other peace-loving nations to incur the risk and consequences that might be involved. I believe we can, with absolute safety to, and assurance of, our own national interest, ratify the Charter and join with the other governments that are a party thereto in the launching of this great movement—an organization for the prevention of wars and for the security of nations and the promotion and enhancement of human happiness and society.

Mr. President, the issue of war, of superior military power, has been settled between the United Nations and the Axis Powers with the glorious victory recently achieved in Africa and Europe. The issue of war that still remains—the supremacy of military might between our own country and our allies and that of

imperialistic Japan—is being speedily resolved with the results no longer in doubt. Again, and soon, I believe, we shall triumph over the forces of another "would-be" world conqueror.

But, Mr. President, the issue of winning the peace still remains. It has not been resolved, it has not been settled; that objective is yet to be gained. The first step in achieving that goal was taken by the recent Conference at San Francisco in the drafting and production of this great Charter now pending before this body. The issue is now squarely before the United States Senate—it is ratification or rejection of the Charter. There is no alternative; there is no middle ground.

Mr. President, the problem and responsibility of the United States Senate is not that of undertaking to amend this Charter in an effort to improve it but rather to ratify or reject the Charter as it is. The United States Senate, and each Member thereof, must accept the tremendous and final responsibility not only for the course our own Nation shall take but, to a great extent, for the course of events and the destiny of the world for centuries to come. We can meet that responsibility, but we cannot evade it. We can discharge our duty, but we cannot escape it. Righteous judgment awaits us. It has been said, and with strong substantiative proof to support the charge, that the United States Senate committed a tragic error in failing to ratify the League of Nations. If that be true, Mr. President, there has now been given to us again by dispensation of providence, as it were, the opportunity to rectify that mistake and to redeem the respect and prestige of this body in the graces of Almighty God and in the esteem of the world. We cannot, we must not, fail again.

To those who make objections to and point out imperfections in the Charter, I would remind them that ample provisions are made for amendments and revisions to it in the course of time, and as trial and experience prove the necessity therefor. Just as our Federal Constitution has been amended many times since its adoption, so can the United Nations Charter be altered so as to meet the exigencies of changing world conditions in the future.

Mr. President, we are a mighty nation—the greatest country in the world. We are endowed and blessed with abundant natural resources. We are the most highly developed of any other country and have tremendously stronger naval, air, and military power than any other country. Thus, we occupy an eminent position of strength, of power, and of opportunity for world leadership. The eyes of the world are now upon the United States and upon the Senate as this body deliberates and acts on the United Nations Charter.

Fortunately, Mr. President, we are given the opportunity to be the first among nations to ratify the Charter. If we reject it, I do not believe there will be an accepted Charter—there will be no world organization. Without the Charter and a world organization along the lines of that created by this document, there will be no hope of preventing fu-

ture wars. If we ratify it, we shall reaffirm and enhance our position of leadership among the nations of the world. We shall give renewed hope to all freedom-loving peoples everywhere, because ratification of this Charter by the United States Senate, in my judgment, will lend great impetus to and insure the acceptance and ratification of it by the other leading nations of the world and, I believe, by the governments of all the nations that are now a party to it.

Mr. President, during the past several years many, many measures, some of them of great importance, have been presented to and acted on by the Congress. Not infrequently, measures sponsored by the administration in power have been characterized as "must" legislation. Proposed legislation so characterized simply carried with it what may be termed an expressed demand from the President that the measure be enacted, and every Democratic Member of the Congress was expected to enthusiastically support it. In most such instances, Mr. President, I think those measures were good and necessary. In some few cases, however, I could not agree or consent to their enactment and accordingly voted my own convictions on the merits of the proposals. In the course of debate on those measures, it was often charged that the claimed urgency or compelling necessity for the enactment of such laws stemmed entirely from partisan considerations, from political expediency, from a desire to grasp and acquire and vest greater powers in the Chief Executive and in the administrative branch of the Government, or to appease and favor some strong minority group at the expense of the general welfare and the common good. Whether in any instances those charges were justified or sustained, it is not now my purpose to discuss or pass judgment. The issues projected by those measures have already been settled and disposed of, and I have adverted to them only for the purpose of contrast and by way of drawing attention to and emphasizing those stronger factors, those compelling and irresistible forces which are now present and inescapable in our deliberations and final action on ratification of the pending Charter.

The necessity for ratification of this Charter by the United States Senate rises to the highest degree of "must" and compelling urgency. No other legislative proposal or document in the same constitutional category was ever presented to this body in the history of our Government that compared to this Charter in scope of influence, effect, and consequences on the future of our own country, the destiny of human happiness, and the fate of the world.

The urgency which attends our duty to ratify this Charter stems from no partisan considerations. Our delegates to the San Francisco Convention were not there as Democrats or Republicans, but were serving their country in the capacity and in the role of the best in American statesmanship. The urgency of our duty now is not an administrative "must," in the sense in which this term has been frequently employed in connection with legislation to which I have

referred. This document is not a proposal conceived, initiated, and proposed by the Democratic Party or by the Republican Party, as such. It is far more than that. It transcends all political parties and differences to grasp, embrace, and express the noblest sentiments, desires, and purposes reposed in the very heart and soul of the American people; and, great as that is, Mr. President, it does not stop there, but it includes and represents the profound judgment, wisdom, and statesmanship of the peoples and governments of 50 nations, who are resolved and determined to establish through democratic processes a world order and society equipped with an instrumentality in the nature of an organization capable of preventing wars of world magnitude and insuring the peace and security of all nations, races, and peoples. This objective achieved, Mr. President, will mean the consummation and attainment of the highest hopes and aspirations of a struggling, confused, and suffering humanity.

In the present era civilization has been, and is, on trial. It has been, and still is, being put to the crucial and final test of strength for survival. Our military might has proved adequate to defeat the Axis Powers. We are now in the process of administering to imperialistic Japan the most crushing, destructive, and ignominious defeat ever suffered by any major power in the history of nations. True, she can yet fight, and possibly add tremendously to the price we shall have to pay for final victory, but her doom is fixed. The minimum penalty she must accept is unconditional surrender, and I hope her only other alternative to that, if she persists in continuing and prolonging this war, will be complete destruction and extermination.

We heard through the columns of the press yesterday and today, and over the radio, reports to the effect that peace feelers are being put out by those who are now in power in Japan, by the same ones who ordered the sneak attack at Pearl Harbor, by those who brought on this war. I do not know how sincere they are. I do not know whether they are really yet ready for peace or not. I cannot trust them. I do not know who can. The only kind of a snake we can trust is a dead one. So I do not know whether these efforts are sincere, or whether it is simply a case of the war lords of Japan trying to save their faces.

Mr. President, I am not interested in the face saving business in Japan. What I am interested in is getting the necks of some of those who are responsible for this terrible war and for world conditions of today. I think they have forfeited their right to live, and I want to see the same fate come to them that has already come to, and which now awaits, many of the leaders of the Axis Powers.

Mr. President, I would like to see at the close of the Potsdam Conference now in progress an ultimatum issued by the President of the United States, and by such other governments of our allies as will join in it, to Hirohito and the war lords of Japan that they must "unconditionally surrender" within a given time, say within 30 days, with the hope that Japan may survive as a nation, or, on the

failure to do so, that we are resolved to carry on this war to their complete destruction and extermination. There are no grounds for compromise. There can be no hope of an enduring peace so long as powerful governments are ruled by war-mongering dictators and would-be world conquerors they must be dethroned.

Mr. President, I express these sentiments regarding the document now pending for ratification, and also these views with respect to our present military operations and the further prosecution of war against Japan to the conclusion that I have stated, not only in the capacity and position of a United States Senator, but I express and record these opinions and sentiments as an American citizen and as the father of a departed soldier in this war, and the father of a 19-year-old son who is now serving on one of our heavy cruisers now engaged in invading and traversing the waters of Japan and bombarding her forts, her shore installations, her cities, and factories within the range of our naval task force.

Like millions of fathers and mothers who have sons in this conflict, and sons who have already made the supreme sacrifice, I experience the same emotions, I am possessed of the same sorrow and anxieties, I pray the same prayers, I entertain the same burning hope and desire that this war shall not have been fought in vain; that there will be victory, such a victory as will uproot and destroy imperialistic militarism—a victory upon which we can and shall build an enduring peace. Our brave sons have done, and are doing, their part. They have ascended to heights of patriotism and heroism on the battlefields of land, sea, and air all over the world, never excelled by any soldiers in any war. They have not only upheld the historic traditions of the land of the free and the home of the brave, but they have given to those traditions a new crown of glory that will shine with resplendent light and brilliance throughout the ages. God forbid that their deeds of valor, their suffering and sacrifices shall have been in vain. It must not be. But a great responsibility for preserving and perpetuating the fruits of victory and the transformation of the military victory into lasting peace rests upon the Senate of the United States. Let there be no cynics among us, no doubting Thomases, none faithless to the trust that has been reposed in us, none failing in his duty to meet the responsibility and opportunity now given to us to plant the feet of civilization on higher ground. It is possible to bring into being, to build on the wreckage and ashes of this catastrophe a finer society, a higher civilization and a better world. We must start now, Mr. President. The ratification of the United Nations Charter is the beginning, and there can never be a just reward of human endeavor or a happy ending to any experiment or enterprise, however worthy and noble of human effort, until and unless there has been a beginning.

Mr. President, this Charter is the right kind of beginning. There are those who think perhaps that this Charter goes a little too far, and I hear ex-

pressions from other Senators that seem to imply that they feel we have not gone nearly far enough. Mr. President, I am not ready to put the United States of America into a so-called world super-state; but I am willing for my country, upon its honor and upon the ratification of this document, to join hands with other governments and civilized peoples in the world in an organization to stamp out war. I am also willing that we shall make available to that organization the necessary means or forces, with Congress reserving the right under the Charter to say either by treaty or by resolution how much of that force we shall supply—how many ships, how many men, how many planes, how many tanks. I am willing that we enter into that sort of an organization.

Mr. President, I know that the adoption of this Charter does not guarantee the peace. I know that the securing and keeping of permanent peace is a progressive process. The price of permanent peace is and will continue to be eternal vigilance. But we can see more and we can employ and exercise that vigilance more effectively within an organization than we can isolated and trying to live unto ourselves.

Mr. President, I know, too, that there are now three powers, the three major powers of the world, Russia, Britain, and the United States, that have the power to enforce the peace. The ultimate success of this document, no matter how sincere we are, for the next century at least will depend on the sincerity and the honest effort and the ability of these three countries to agree and to work together in the cause of peace, just as we have fought together to gain the military victory.

Mr. President, I am under no illusions about it, but I say that the civilized nations of the world must try something different from what has been done in the past. Grant that it may fail. Suppose it does. If it does fail we shall not be any worse off for having tried.

Mr. President, I say to you in conclusion that my honest convictions and my prayers at this moment are that the adoption of this Charter will bring to the world an opportunity for peace and fellowship and good neighborliness beyond the hopes and dreams which we have heretofore entertained. I have faith that it can be done. I wish to have our country in good faith try and labor with the other governments to that end.

Mr. EASTLAND. Mr. President, it has been argued that the right of veto by the major powers, the members of the Security Council, destroys the value of the Charter, and that because of it the United Nations Organization is weak and impotent. It is true that the rule of unanimity or right of veto does weaken the effectiveness of this Organization. This, of course, is its principal defect. It is a grave weakness; but whatever its imperfections, the United Nations Charter will promote the peace. It is, in fact, a powerful weapon for peace, and because of it the Senate should ratify the Charter.

In the case of a smaller state not a permanent member of the Security Council, economic sanctions may be imposed to prevent conflict, transportation

and communication facilities may be served, and, as a last resort, force may be exerted. The power to prevent aggression on the part of the smaller states is adequate, but great wars are not waged by small powers. Great wars are waged by the big powers, the powers who are members of the Security Council. They do not stand in the same category as the small states. It is true that they stand on an entirely different footing; it is true that they stand, as has been charged, above the authority of this Organization, because any one of them can veto the use of force to prevent aggression, even when the nation itself is an aggressor. This provision is a serious weakness; but, regardless of it, curbs are placed on a major aggressor power. Should she draw the sword, what would happen? First, she would violate her most solemn pledges in the Covenant, and would stand guilty before the opinion of man. In the Assembly, of which every state both large and small is a member, there is the right of unlimited, free debate. Through the right of free debate by all interested parties, world public opinion will be molded. In addition, the Assembly can make recommendations to the Security Council. The condemnation of mankind would be directed against the aggressor. Public condemnation, Mr. President, is a powerful weapon. In addition to this, the Security Council, itself, could receive and consider disputes, although, of course, it would be without authority to take affirmative action. When public opinion is mobilized, when the conscience of mankind is aroused, a potent weapon for the preservation of peace is forged. Any would-be aggressor knows that public opinion generates action. It is the dynamic force which causes the people of the earth to spring to arms.

It is a lesson of history, Mr. President, that no nation, however great and however powerful, can withstand the armed might of the world. No nation at the present time, however great, can defeat the world. Certainly, there is the right to veto the use of sanctions or force in the Security Council; but if the veto is used through the framework of the Organization to permit aggression, forces which certainly will be set in motion outside the Organization will curb it. The forces which will be set in motion outside the Organization will be assembled and set in motion primarily through the machinery of this Organization, because through it will come the agitation which will mold public sentiment and will generate action throughout the world. With the soul of mankind inflamed and its indignation aroused, there will be collective action, with sanctions and with force, if necessary, outside the framework of the Organization, to curb the aggressor member. Faced with these conditions, a nation would certainly hesitate long before arraying the world against itself. It would hesitate long before spilling oceans of blood and suffering the losses that would surely come if it were to precipitate a great war. There is an additional safeguard by virtue of this Organization and by virtue of the forces which will be committed to enforce world peace through the agreements which will hereafter be negotiated.

States all over the world will have committed themselves to restrain aggression by force, and will have committed themselves to making armed forces available to preserve the peace. Any would-be aggressor on the Security Council must certainly know that these forces could easily be used against him. They are available because of the Charter, but they could be used against the aggressor power outside the Charter. Because of the Charter it is much easier to pool forces to prevent aggression by a member of the Security Council who embarks upon a policy of aggression or world domination.

As a whole, restraints are placed against powers who possess the right to veto. In fact, this whole Charter restrains aggression. It minimizes friction, stabilizes friendship, and channels all of us toward peace. Whether it will succeed or not, I do not know. I do know, however, that it is a valuable contribution; it is a powerful weapon in the preservation of peace. In my judgment the world will be better off because of it.

Mr. President, this Charter is but one component part of the over-all plan for world peace. The Congress has recognized that world peace rests upon an economic foundation which will make the world prosperous, happy, and contented. Peace does not dwell where mankind is unemployed. Peace does not dwell in a land of poverty and rags. If there is to be peace there must be world trade. The Congress has recognized these truths, and has attempted to base the United Nations organization upon a world economy which will make mankind prosperous. The reciprocal trade-treaty program, the Bretton Woods agreements, the increase in the lending powers of the Export-Import Bank are all component parts of the over-all plan for world peace. These measures are the foundation of the Charter. Through this broad program we have attempted to create an expanding world economy which will prevent unemployment and bring prosperity. We recognize that all peoples must have equality of trade opportunity, such as equal access to the trade, food, raw materials, and resources of the earth. These are the essentials. These are the measures which form the foundation of the charter.

In adopting this program, Mr. President, we have gone much further than we went after the First World War. Then the League of Nations alone was proposed. The League was not based upon a foundation of economic freedom and equality. The League ignored entirely the necessity of an economic foundation for the structure of world peace. It did not have the foundation to sustain it that this Charter had. Beginning in 1919, the nations, including our own, erected trade barriers and embarked upon narrow, selfish, isolationist policies. The League failed. It was certain to fail. It would have failed no matter whether we had entered it or not. We have recognized this defeat, Mr. President. We have gone much further. The over-all peace plan today is far superior to the League of Nations program which was proposed after the First World War, and while America's efforts alone cannot

secure the peace, in my judgment, this entire program is a healthy contribution to the cause of permanent peace.

As a result of this over-all peace program, including other measures yet to be introduced, billions of American dollars and funds from other nations will be advanced and loaned abroad for purposes of relief and to stabilize exchange and restore trade. Much of that money will be advanced as a result of the program of which this Charter is a part.

Frankly, Mr. President, I do not like what is happening to Poland, Rumania, Bulgaria, Jugoslavia, Hungary, and other states of southern and eastern Europe. This war was won by the armed forces of this country, by American labor, by American brains, and by the sacrifices of the American people. It was fought to crush totalitarian tyranny. American lives were sacrificed by the thousands; America's resources were used up and given away, all with the assurance to the American people that we were fighting for the "four freedoms," that we were fighting for democracy and liberty. These were not idle words. This was our cause. I have confidence in the President of the United States. I believe that he will administer the laws to bring these things about. I have gone along with this entire program with that belief in mind.

Let me make crystal clear, Mr. President, that America's resources must not be spent to promote communism in Europe. Our resources made available under the over-all peace program must be used to promote democracy, freedom, and the principles for which we fought. Beginning at the Baltic and reaching down to the Black Sea and over to the Adriatic, there is a group of states which are dominated by communism. Governments have been set up without the consent of, and against the will of, the governed. Tales of totalitarianism, cruelty, and oppression are leaking out of Europe. The very things we fought to exterminate, the very things we abhor, the very things the American people loath, and the very things we were assured would be crushed are in control.

Countries are surrounded by a wall of silence. Communications, both ingress and egress, are shut off. Frontiers are closed to the representatives of the nation which made possible the winning of the war.

Mr. President, I do not say we must not cooperate with Russia. That we must do. I say that the resources of my country must not be used to subsidize those communistic-controlled states. Our resources must not be used to assist them in becoming strongly entrenched. Communism is a contagious evil, and if we permit communism to sweep over Europe we certainly will have lost the war. We will have lost it in spite of the heroic valor of the soldiers of America. The blood, the tears, the sacrifices of the American people will have been all in vain.

Furthermore, Mr. President, the peace of the world will be gravely endangered. These vast areas with their 115,000,000 human beings, are composed of many races, many languages, and many stocks,

with different customs and different religious beliefs. History proves this is the breeding ground for war. The funds which we contribute, all being part and parcel of this peace program just as much as is the charter, must be used for the promotion of freedom, justice, and a society of governments which recognize and promote the liberty of man.

The quest for peace is a continuing undertaking. The League was used by the great powers that controlled it as an instrument to promote their own selfish aims; it was used by the great powers for self-aggrandizement and greed. If we are to have permanent peace, there must be the continuing will for peace; there must be the continuing will for justice on the part of great powers, who, in the last analysis, will control this organization. If the United Nations Organization is used to maintain the status quo, if selfishness and injustice control its policies; if it fails to solve and squarely meet great issues, then it too will surely fail.

In this connection, Mr. President, the conferences now in session at Potsdam will largely determine the future of the world peace. If the agreements negotiated there and if the subsequent peace treaties condone tyranny and oppression, and attempt to maintain them by the armed might of the United Nations Organization, then this organization will die aborning. In the last analysis the will for the peace and the will for justice is the crucial test, and, in addition, eternal vigilance must maintain them.

World peace can exist only in an atmosphere of mutual trust and confidence. In this connection I should be happy to see our President at the Potsdam Conference, or at any future conference, secure the right of admission to representatives of the American press to any country in the world. Freedom of information is vital to an enlightened world opinion, to the success of democratic processes throughout the earth.

Mr. FERGUSON. Mr. President, will the Senator yield?

Mr. EASTLAND. I yield.

Mr. FERGUSON. Is it not possible, under the Charter, that the freedom of the press, speech, and radio can be attained if the purposes of the Charter are really carried out? I share with the Senator the view that it would be well if such freedom could be brought about at Potsdam, so that the right would be afforded to acquire knowledge of facts around the world, but if that is not accomplished there, if the purposes of the Charter are to be carried out, does not the Senator think we have an instrument which might be able to bring that about?

Mr. EASTLAND. I do not believe this instrument will accomplish freedom of the press and freedom to go into every nation in the world.

Mr. FERGUSON. Is not that one of its purposes, and if that is not attained, how are we to accomplish what we desire to accomplish, that is, to keep the peace of the world?

Mr. EASTLAND. It is a very serious matter, as the Senator points out. I do not know whether the reports which come out of southern and eastern Europe are accurate or not. I know that corre-

spondents and travel in those areas are restricted. I know of horrible tales which have come out of those areas which have very much upset many Members of the Senate, and a large part of the American public. I think the cause of peace has been done great harm by the inability of the press, representatives of the Government, and of the Members of the Congress of the United States, to go into those sections. But I do not believe that under the Charter freedom of the press will be established in those countries, or that through this instrumentality we could establish communication or travel in those areas.

Mr. FERGUSON. It was after VE-day that the Senator was in Europe, was it not?

Mr. EASTLAND. Yes, it was a month after VE-day.

Mr. FERGUSON. Was the Senator able to go into the part of the territory of Germany that was occupied by Russia?

Mr. EASTLAND. We did not try, but our information was that we could not go into those sections, including Czechoslovakia and other areas occupied by the Russian Army.

Mr. FERGUSON. I wish to say to the Senator that I did try, but was unsuccessful in obtaining entrance into those countries, although I did receive word after I landed back in this country that it would then be possible to go into that area.

Mr. EASTLAND. Of course, the Senator heard stories of slavery, of concentration camps, and of horrible conditions in those areas, and does he not think that without our ability to verify the truth or falsity of such stories, they hurt the cause of world peace, and have caused mistrust throughout the world?

Mr. FERGUSON. I agree wholeheartedly with the Senator. I think it is too bad for the cause of peace that such a condition should exist that it is impossible to verify what is actually going on. Unless, as I have said, we receive the right to obtain the facts, the truth, the world around, we cannot expect to have peace, because if slavery does exist, then freedom has disappeared. We cannot have peace with slavery, we cannot have it with concentration camps.

Mr. EASTLAND. The Senator very well knows that governments have been set up in those areas against the will of the governed, that those countries are totalitarian, and that every single principle which the American people loathe is in control there.

Mr. FERGUSON. The difficulty is that we cannot ascertain the truth.

Mr. EASTLAND. That is absolutely so. We cannot prove the stories, but they do have the ring of truth. It not that an accurate statement?

Mr. FERGUSON. I shall have to answer in this way: The fact that we cannot see what is going on there, that we cannot ascertain the facts, is a piece of circumstantial evidence which leads people to the conclusion that something is wrong, or we would be able to go in and see conditions.

Mr. EASTLAND. High officials of the very country which made possible the winning of the war, of the very country

which preserved the sovereignty of these small nations, are forbidden to enter the areas which were liberated by American supplies and equipment. I think that is a very deplorable situation.

Mr. President, within our borders we grant full and free access to the foreign correspondents of any nation of the world. We should demand the same privilege for ourselves we grant to others. I hope our President will exert his bargaining power to secure such rights for the American press abroad. Until we and all nations secure such rights everywhere, the power of public opinion cannot be fully mobilized for peace.

Mr. President, this Charter, if used to promote liberty and democracy, will advance the cause of civilization. The future of the world depends upon its success. The issues at stake here are tremendous. There is every urgent and compelling reason for the ratification of the Charter. There is no reason for its rejection. Never in all history has the world bled and suffered as it has in the past 6 years. Uncounted millions of human beings—soldiers, civilians, men, women, innocent little children are dead. Millions are maimed. Millions of homes are destroyed. Nations are wrecked as never before in history. Millions have been uprooted from their homes and families and forced to become slave laborers in foreign lands, suffering and death beyond the scope of human comprehension have stalked across the earth. Because of this catastrophe, starvation, pestilence, and human suffering in fantastic volume are still present throughout the world. Before peace and recovery many thousands more are condemned to die. From beyond the grave, Mr. President, uncounted millions cry that a cure be found for the curse of war. From the dawn of human history men have planned, dreamers have dreamed, and civilization has striven for a solution to this the greatest and most pressing of all the problems that face human kind. It has been the great question of the ages. It is the great question of the present. It will be the great question of the future.

There must be the will for peace. There must be unselfish justice among men. There must be eternal vigilance on the part of civilized men everywhere. These are the essentials. The machinery is here set up. With all its weaknesses, with all its imperfections, the United Nations Charter is a noble beginning. A new course in civilized affairs is charted. All men everywhere pray for the Charter's success. May its imperfections be removed in time. May it grow and become stronger and more powerful throughout the years.

Mr. CAPPER. Mr. President, I desire to state briefly my reasons for voting to ratify the Charter of the United Nations Organization written at San Francisco.

In the first place, I am voting for it because I have high hope that through the world forum of the General Assembly and through the power packed in the Security Council the Charter provides the best machinery yet worked out for preserving peace in the world.

Of course, ratification of the Charter by 50 nations of itself will not insure a

peaceful world. Neither would mere ratification of the Constitution of the United States by the former colonies of England of itself have insured the continued existence of the United States as a nation.

As I see it, the Charter is merely a mechanism by which peoples and nations, through the exercise of forbearance, wisdom, and courage to act collectively when the occasion demands, may substitute other means than war for the settlement of disputes between and among nations.

In the years immediately ahead it will be the task of the United States, Britain, and Russia to cooperate to keep the peace of the world through the mechanism of this Charter. If these three nations can work together, the Charter will succeed. If they cannot, or do not—well, the attempt is worth trying. Not to make the attempt would be criminal.

Mr. President, I was a Member of the Senate in 1919 and 1920 when the League of Nations Covenant failed of ratification, finally by a vote of 49 for to 35 against—the necessary two-thirds majority not being attained. This time it is known in advance that the vote in the Senate will be almost unanimous—far more than the necessary two-thirds.

It has been most interesting to me this time as a member of the Senate Committee on Foreign Relations—I was not on that committee in 1919 and 1920—to compare the differences between the two instruments and the differences in procedure by which they were formulated and brought to the Senate for action.

It is not necessary for me to place in the Record the procedure followed in the drafting of the Charter of the United Nations. Unlike the Covenant of the League of Nations—and I say this without any disrespect to the memory of a truly great man—the Charter of the United Nations is the product of many minds and many nations. From the beginning of the discussions and meetings and conferences and conventions which wrought it into being, the Senate, the House of Representatives, the State Department, and the Executive worked together. The Senate has a right to the feeling of joint authorship in the Charter, a feeling that certainly was not present when the League of Nations Covenant was under consideration.

Mr. President, I want at this point to pay a tribute to former Secretary of State Cordell Hull for his insistence that the treaty, which is in effect the Charter, should be negotiated with the advice of the Senate. He kept the Committee on Foreign Relations informed of the situation at all times. The selection of the chairman of our committee, the distinguished Senator from Texas [Mr. CONNALLY], and of the very able Senator from Michigan [Mr. VANDENBERG], as members of the delegation at San Francisco, was almost a guaranty that the Senate would ratify the Charter.

That difference in procedure between the handling of the League Covenant 26 years ago and the United Nations Charter today might seem to some a small matter; but human nature being what it is, and the Senate being what it is under the Constitution and the American system of government—this differ-

ence in procedure of itself might spell the difference between success and failure in getting ratification.

The Senate, and the country, feel that the Senate's advice was asked, and very largely taken, in drafting the Charter.

In passing, I want to make another observation, dealing with the content of the Charter and the League. I might call attention to the fact that I voted for the ratification of the League of Nations Covenant on March 19, 1920, with the reservations. I did so with a clear conscience at the time, and have no apologies to make now.

Without any desire to renew any old controversy, or start any new ones, I desire to make a further comment. The reservations which the Senate made in the resolution of ratification of the League of Nations Covenant in the main were reservations intended to retain freedom of action by the United States, and to maintain the national sovereignty of the United States.

Mr. President, as was so ably stated the other day by the Senator from Michigan [Mr. VANDENBERG], the retention of the national sovereignty of the United States is in the Charter itself this time.

I believe the Senator from Arkansas [Mr. FULBRIGHT] also pointed this out, referring specifically to these paragraphs of article 2 of the Charter, which I also read:

The Organization and its members, in pursuit of the purposes stated in article 1, shall act in accordance with the following principles:

1. The Organization is based on the principle of the sovereign equality of all its members.

Therefore, Mr. President, I can wholeheartedly support the Charter and vote for it, not only feeling that today it is the right thing to do, but also feeling that my vote for the Charter in 1945 is entirely consistent with the vote I cast for the League, with reservations, in 1920. I wish especially to compliment those who drafted the Charter on the great care they exercised in protecting the sovereignty of the United States, while creating the machinery for international cooperation.

I am convinced that the United Nations Organization has a far better chance of succeeding through the realization expressed in the Charter itself through the powers and procedures of the Security Council and expressed also by those who have explained the purposes and provisions of the Charter.

I repeat, Mr. President, that there is far greater chance of its successful operation because of the realization of the indubitable fact that unless the Big Five, particularly the Big Three—Russia, Britain, and the United States—work together in the postwar world, the prospects for avoiding a World War III that would wreck our entire civilization will be slender indeed.

The Charter provides the machinery for that cooperation for peace and also for a more prosperous world than we have had in the past. Even with the machinery provided through the United Nations Charter, it will require statesmanship of the highest order on the part

of governments, and understanding and patience and a willingness to give as well as take on the part of peoples, to bring about and maintain a peaceful world.

Of course, whether the United Nations Organization will work is a question that only time and experience can answer. I believe that it can work, and I have high hopes that it will.

No one makes the claim that it is a perfect instrument. Nor does anyone believe that a perfect instrument can be devised, making allowances for the vagaries of human nature, and the chances for misunderstanding among nations and peoples with highly different cultures, ideologies, and forms of government.

But I can and do say that the United Nations Organization, as created through the Charter now under consideration, is an honest and sincere attempt to utilize the powers that the big nations have through a military alliance, plus the potential powers that an association of all nations, great and small, may develop through a world-wide consultative association, to create the machinery by which differences and disputes between and among nations may be settled without recourse to that scourge of mankind—all-out war.

On that basis, Mr. President, I am giving the United Nations Charter my unqualified 100-percent support. I shall even resolve certain doubts which still exist in my mind, as to the extent of the power which the United States representative on the Security Council shall have to put the United States into a major war without action by Congress, in favor of ratification of the Charter.

Now that it is settled in the minds of the overwhelming majority of the American people that the United States should become a part of the United Nations Organization to preserve world peace, I say that the only way to go into that organization is to go in completely and wholeheartedly, and let everyone do his level best to make the program work.

Mr. MAYBANK and Mr. MORSE addressed the Chair.

The PRESIDENT pro tempore. The Senator from South Carolina is recognized.

Mr. MAYBANK. Mr. President, in the spring of 1943, I believed it to be my duty, along with others, to join in support of Senate Resolution 114. That resolution, known as the Ball-Burton-Hill-Hatch resolution—B2H2—was thoroughly debated and discussed throughout the United States. It was my distinct pleasure to have the opportunity of making many speeches on that resolution in the New England States along with Robert Hale, the distinguished Representative from Maine.

When we discussed the resolution we also discussed the Fulbright resolution which at that time had passed the House of Representatives. For the record the text of Senate Resolution 114 was as follows:

Resolved, That the Senate advises that the United States take the initiative in calling meetings of representatives of the United Nations for the purpose of forming an organization of the United Nations with specific and limited authority.

1. To assist in coordinating and fully utilizing the military and economic resources of all member nations in the prosecution of the war against the Axis.

2. To establish temporary administrations for Axis-controlled areas of the world as these are occupied by United Nations forces, until such time as permanent governments can be established.

3. To administer relief and assistance in economic rehabilitation in territories of member nations needing such aid and in Axis territory occupied by United Nations forces.

4. To establish procedures and machinery for peaceful settlement of disputes and disagreements between nations.

5. To provide for the assembly and maintenance of a United Nations military force and to suppress by immediate use of such force any future attempt at military aggression by any nation.

That the Senate further advises that any establishment of such United Nations organization provide machinery for its modifications, for the delegation of additional specific and limited functions to such organization, and for admission of other nations to membership, and that member nations should commit themselves to seek no territorial aggrandizement.

Mr. President, as a Member of the United States Senate I supported the Connally resolution which was reported from the Foreign Relations Committee and which was adopted by the Senate overwhelmingly on November 5, 1943.

In supporting that resolution I knew that I spoke my convictions and those of the overwhelming majority of the people of my State. It was their hope, as it was mine, that every effort would be made to make future wars impossible. It was also the desire of the people of South Carolina to give strength and support to our then great leader and President, Franklin D. Roosevelt, in order that he might take the leading part in the future planning for peace throughout the world.

Mr. President, I shall always remember during the many conferences that were held the sound and practical advice given by our present President, the then distinguished Senator from Missouri, Mr. Truman. So, Mr. President, it is fitting that we carry on by giving him our full support and using our efforts to lessen the possibilities of war.

Mr. President, it appears from history that war has been a major activity of mankind since human beings became sufficiently numerous to separate into tribes, races, and nations, and I cannot believe, though I wish I could, that suddenly we can guarantee that there will be no more wars.

The First World War, in which I and so many of my colleagues took part, was called "a war to end wars." Some have spoken of the present war in somewhat the same terms. But these slogans are prayers, expressions of hope, not declarations of accomplished fact.

No Member of this body is more deeply devoted to the cause of peace than am I; no man here would give his life more freely to gain peace for our country now and forever; but let us not deceive ourselves or our people. This time let us not promise too much and thus run the risk of disillusionment and cynicism such as all of us knew after the results of the other war fell so far short of our hopes,

expectations, and promises, and the predictions of some of our leaders. We should be sensibly realistic, not merely emotional, as we consider the United Nations Charter now before us.

I am in favor of that Charter, Mr. President. I shall vote for it and do all I can to make it effective. I think it may, with proper support, make wars less likely. But I would be false to my own convictions and deceitful toward my fellow men if I stood here and asserted that it will make wars impossible. I think we should speak the truth as we see it, and thus deal fairly with those who look to us for leadership, and thus also give strength to this Charter.

A product, an idea, or a plan that is oversold starts under a handicap. Let us recognize perils ahead and do all we can to avoid them, not blind ourselves to these perils until suddenly we are face to face with them.

Many who support this fine Charter also support compulsory military training for America's young men, the maintenance of our great and huge Navy, and other measures of military might. Superficially this support of the Charter and of military might may seem to be in conflict. But the conflict is not there if we think and speak honestly.

The Charter is a hope. It is a plan, the best plan yet devised to safeguard peace. It is a noble concept. It is a contract for peace. But it is not a guaranty of peace. If it were, we would be ridiculous to support it and also support military preparations for future wars.

I agree with many distinguished Senators who have said they would rather approve this Charter, even though it falls short of our hopes, than to disapprove it without a trial. That is a sensible position. We should try for peace. We must try for peace. The maintenance of our moral integrity requires that we try for peace, and the best way to try is through this Charter. Man is so made that he must forever strive onward and upward, or deteriorate. He must seek goals beyond his immediate reach, or he will reach no advanced goals at all.

To oppose this Charter and to offer nothing better in its place, seems to me a wholly negative, pessimistic position. We know from dreadful experience that military rivalry does not give peace. We know that the balance-of-power system does not result in a peaceful world. We know that associations and leagues without power do not safeguard peace. Mr. President, all the plans and devices and schemes of nations up to the present have failed to maintain peace. Shall we continue along the roads that we know lead toward war, or shall we try a new road that may lead toward peace? That is the issue.

This Charter is not perfect. Its framers admit that. But if we wait for perfection, we shall wait forever. I hope I am a realist, and also sufficiently an optimist to believe that mankind is capable of progress. I know mankind has made progress in the long fight against ignorance, against sickness, and in the understanding of human behavior. Only a few years ago an erring child was treated as a criminal, and often made into a criminal. Only a few years ago gov-

ernment recognized no responsibility save to a most limited degree, for the welfare of the people. Only a few years ago men might starve, and government remained unconcerned. Government always has had the right to make a man fight, but only recently has it recognized the responsibility to give him a fair chance for health and income. Yes; mankind has advanced in these fields and in many others. Why should we conclude that progress in the international field of peace is impossible?

Heretofore nations generally have formed groups, one set against another. This Charter proposes an organization of all peace-loving nations, an organization of so many nations that no rival cluster can develop to challenge its objectives. This is something different. This is something like the dream of the great, tragic Woodrow Wilson for a league so strong that it could, with moral might or with military might, if necessary, strive to prevent wars.

Mr. President, I cannot understand how anyone can believe that a do-nothing policy is wiser than a try-something policy. If George Washington and his associates had been do-nothing pessimists, we would have had no nation. If they had insisted on perfection, if they had backed away from a try-something policy, we would have had no Constitution.

Progress is to some degree a matter of trial and error. But man is so endowed that his successes outweigh his errors, and so he moves upward. The time now has come for man to strive in a world-wide field. He will make errors, of course. There will be disappointments. Often the road will appear too rough, but I believe progress in this world-wide field, progress toward peace, is possible; and I believe this great Charter is a necessary document, a necessary plan for progress in that field. Human behavior cannot be regulated by documents, but documents which express the aspiration of mankind may help guide human behavior, and therefore guide us toward a more peaceful world than we have known.

Mr. President, this is not wholly a matter of morality. It is also a matter of self-interest. "Observe good faith and justice toward all nations," said George Washington. "Cultivate peace and harmony with all. Religion and morality enjoin this conduct; and can it be that a good policy does not equally enjoin it?"

Does any man believe that we can afford another world war? Then what shall we do to make one less likely? Surely, Mr. President, the answer is not to let conditions remain as they were between 1918 and 1939.

ULTIMATUM TO JAPAN BY THE PRESIDENT OF THE UNITED STATES, THE PRIME MINISTER OF GREAT BRITAIN, AND THE PRESIDENT OF THE REPUBLIC OF CHINA

Mr. TUNNELL obtained the floor.

Mr. WHERRY. Mr. President, will the Senator yield to me?

Mr. TUNNELL. I yield.

Mr. WHERRY. A short time ago I was handed the proclamation of the President of the United States, the Prime Minister of the United Kingdom, and the

President of the Republic of China relative to peace terms which have been submitted to Japan. I feel that this release is of such importance that it should be printed in the body of the RECORD. Inasmuch as it occupies only a page and a half, I ask unanimous consent that it be printed at this point in the RECORD, as a part of my remarks.

There being no objection, the proclamation was ordered to be printed in the RECORD, as follows:

**PROCLAMATION BY HEADS OF GOVERNMENTS,
UNITED STATES, UNITED KINGDOM, AND CHINA**

1. We, the President of the United States, the President of the National Government of the Republic of China, and the Prime Minister of Great Britain, representing the hundreds of millions of our countrymen, have conferred and agree that Japan shall be given an opportunity to end this war.

2. The prodigious land, sea and air forces of the United States, the British Empire and of China, many times reinforced by their armies and air fleets from the west, are poised to strike the final blows upon Japan. This military power is sustained and inspired by the determination of all the Allied Nations to prosecute the war against Japan until she ceases to resist.

3. The result of the futile and senseless German resistance to the might of the aroused free peoples of the world stands forth in awful clarity as an example to the people of Japan. The might that now converges on Japan is immeasurably greater than that which when applied to the resisting Nazis, necessarily laid waste to the lands, the industry and the method of life of the whole German people. The full application of our military power, backed by our resolve, will mean the inevitable and complete destruction of the Japanese armed forces and just as inevitably the utter devastation of the Japanese homeland.

4. The time has come for Japan to decide whether she will continue to be controlled by those self-willed militaristic advisers whose unintelligent calculations have brought the Empire of Japan to the threshold of annihilation, or whether she will follow the path of reason.

5. Following are our terms. We will not deviate from them. There are no alternatives. We shall brook no delay.

6. There must be eliminated for all time the authority and influence of those who have deceived and misled the people of Japan into embarking on world conquest, for we insist that a new order of peace, security, and justice will be impossible until irresponsible militarism is driven from the world.

7. Until such a new order is established and until there is convincing proof that Japan's war-making power is destroyed, points in Japanese territory to be designated by the Allies shall be occupied to secure the achievement of the basic objectives we are here setting forth.

8. The terms of the Cairo Declaration shall be carried out and Japanese sovereignty shall be limited to the islands of Honshu, Hokkaido, Kyushu, Shikoku and such minor islands as we determine.

9. The Japanese military forces, after being completely disarmed, shall be permitted to return to their homes with the opportunity to lead peaceful and productive lives.

10. We do not intend that the Japanese shall be enslaved as a race or destroyed as a nation, but stern justice shall be meted out to all war criminals, including those who have visited cruelties upon our prisoners. The Japanese Government shall remove all obstacles to the revival and strengthening of democratic tendencies among the Japanese people. Freedom of speech, of religion, and of thought, as well as respect for the fundamental human rights shall be established.

11. Japan shall be permitted to maintain such industries as will sustain her economy and permit the exaction of just reparations in kind, but not those which would enable her to rearm for war. To this end, access to, as distinguished from control of, raw materials shall be permitted. Eventual Japanese participation in world trade relations shall be permitted.

12. The occupying forces of the Allies shall be withdrawn from Japan as soon as these objectives have been accomplished and there has been established in accordance with the freely expressed will of the Japanese people a peacefully inclined and responsible government.

13. We call upon the government of Japan to proclaim now the unconditional surrender of all Japanese armed forces, and to provide proper and adequate assurances of their good faith in such action. The alternative for Japan is prompt and utter destruction.

Mr. WHERRY. Mr. President, I wish to say that I am indeed most grateful to the President of the United States for defining the terms of unconditional surrender. It should be a boon to the passage of this Charter, because we are now practicing what we preach. Our people, I am sure, wish, if possible, to give Japan terms which will be acceptable; but even though these terms are not accepted by the Japanese, I believe they are a step in the right direction, and I feel confident that something will come out of the definition of unconditional surrender which may result in saving the lives of thousands of our American boys.

Mr. CAPEHART. Mr. President, I am glad that the Senator from Nebraska has had printed in the RECORD the ultimatum issued today by the President of the United States, the President of China, and the Prime Minister of the United Kingdom in which they spell out in no uncertain terms what we mean and what we have meant by unconditional surrender. I had previously asked and obtained unanimous consent to have the proclamation printed in the Appendix of the RECORD, but, since the Senator from Nebraska has had it printed in the body of the RECORD, I withdraw that request.

I congratulate the President of the United States, and I am certain that the American people will rejoice that our Government, together with the governments of our allies, have issued an ultimatum to the Japanese people telling them exactly on what basis we will permit them to surrender.

THE CHARTER OF THE UNITED NATIONS

The Senate, as in Committee of the Whole, resumed the consideration of the treaty, Executive F (79th Cong., 1st sess.), the Charter of the United Nations, with the Statute of the International Court of Justice annexed thereto, formulated at the United Nations Conference on International Organization and signed at San Francisco on June 26, 1945.

Mr. AIKEN. Mr. President, will the Senator from Delaware yield to me?

Mr. TUNNELL. I yield.

Mr. AIKEN. Am I to understand that the Senator from Delaware will yield to me to permit me to make remarks on the pending question?

Mr. TUNNELL. I have no objection, provided I do not lose the floor.

The PRESIDENT pro tempore. The Senator from Delaware yields to the Senator from Vermont.

Mr. AIKEN. Mr. President, every American can be justly proud of the leadership which the United States is assuming in world cooperation. We have renewed and extended the provisions of the Reciprocal Trade Agreements Act. We have put the stamp of approval on the Bretton Woods Conference agreement. We have voted to become members of the Food and Agriculture Organization of the United Nations. We have approved the Mexican Water Treaty. We will shortly subscribe to membership in the United Nations Organization. At this point I should like to compliment those who have represented the Senate in formulating the new Charter which we are now considering.

Mr. President, we have not failed to cooperate with the other nations of the world or to keep the faith with any of them, save one. That is our nearest and best neighbor, Canada.

In 1928, the United States entered into "a gentlemen's agreement" with the Dominion of Canada for the purpose of developing the Great Lakes-St. Lawrence waterway. This agreement was entered into after an exhaustive study had been made of the entire situation under the then Secretary of Commerce, Herbert Hoover.

It was agreed, according to testimony presented before a House committee in 1941 by Assistant Secretary of State Berle, that whatever amount either country spent in improving this waterway would be matched by the other.

On the strength of this informal agreement, Canada began the reconstruction of the locks of the Welland Canal to accommodate vessels of oceangoing size.

This reconstruction of the locks and the deepening of the canal was completed in 1932 at a cost of about \$132,000,000. To this day the United States has not matched this expenditure, having spent in all only a few million dollars as its part in the improvement of this great waterway.

As is well known, the informal agreement of 1928 was later made formal by a treaty negotiated by the two countries.

This treaty was voted upon by the Senate of the United States in 1934. Although a majority voted to approve it, it failed to receive the necessary two-thirds vote for ratification.

On March 19, 1941, when the clouds of war were darkening upon the horizon, and the urgent need of developing the navigation and power resources of the Great Lakes-St. Lawrence Basin was plainly apparent to everyone, the Governments of the United States and Canada signed an agreement providing for the completion of this great development.

In spite of the appeal of President Roosevelt, in spite of the urging of the Secretary of State, of the Secretary of War, of the Secretary of the Navy, of the Secretary of Commerce, of the Secretary of Agriculture, of Chairman Knudsen of OPM, of the Chairman of the Maritime Commission, and virtually every high official of this Government who saw war approaching and a desperate need for more transportation facilities, more inland shipyards, and more electric energy, Congress turned a deaf ear to all

these urgings and neglected to act upon the agreement.

There is no doubt that Canada would do her part. She has already spent more than \$132,000,000 on the Welland Canal from which she cannot possibly receive full benefit so long as the United States fails to make the improvements necessary on our side.

We are now paying the penalty for our failure to heed the warning of those who pointed out the need for the St. Lawrence seaway a few years ago.

The transportation systems of the eastern United States have proved to be hopelessly inadequate to the great task which now devolves upon them.

Day after day the folly of our failure to make navigable a few miles of the St. Lawrence River becomes more apparent.

If we had constructed this work, merchant ships and transports now bringing troops and material home from Europe could sail up the St. Lawrence River to Buffalo, to Cleveland, to Detroit, to Chicago, to Milwaukee, or to Duluth. It would not be necessary to unload their cargoes at the eastern seaports to be transported overland by railroad systems which do not have the facilities to meet the demands.

If the St. Lawrence seaway were available for use now, the corn which lies rotting on the ground in the Western States, and the wheat now bulging the grain country elevators could be loaded on shipboard at Duluth or Chicago and delivered to Atlantic coast seaports, or direct to the starving populations of Europe without having to be shipped overland by rail.

I am told that all through the spring and summer ships have waited on the Atlantic seaboard day after day for grain from the Midwest which the railroads were unable to deliver to them, while people of European countries were on the verge of starvation.

It may be said, "What if we did make a mistake in not developing the St. Lawrence seaway before? We won't need it after the war."

That statement is not true. Anyone who has studied the economy of this country knows that after this war we must maintain a national income somewhat nearly approaching that which we have built up during wartime. If we do not do that, we cannot expect American business, American industry, labor, and agriculture to prosper, and we cannot keep our Government finances on a safe basis.

If we maintain the economy necessary to support adequately this Nation and finance it after the war, we must have a great expansion of our prewar peacetime production, and particularly an expansion of our transportation facilities.

We need more airplanes. We need better highways. We will need more rail facilities, and we will need the St. Lawrence seaway. We will need it, not only to furnish an outlet to the sea for the people of the Great Lakes Basin and the great agricultural areas to the west of the Mississippi, but we will desperately need our half of the 13,200,000,000 kilo-

watt-hours of electric energy which this development will produce.

We are terribly unprepared for the ending of the Japanese war. It is reported that we already have 2,000,000 unemployed in this country, and that the number is steadily mounting. Thinking Americans do not like to contemplate the consequences of large-scale unemployment in America. I do not think we will have it. We will not have it if we plan to meet such an emergency now. The unemployment which we will have for the next few months, and for the months following the end of the war with Japan, will be of a transitory nature, but we must make every possible provision to see that for a few months, or possibly years, unemployment does not get out of hand.

It is claimed by the opponents of the St. Lawrence seaway that it would necessitate the labor of 100,000 men, 80 percent of them skilled or semiskilled, over a period of 4 years, to construct the seaway and improve the harbors of the Great Lakes so that they may carry on commerce with all parts of the world.

I think the opponents have made a fairly accurate estimate of the number of men who would be directly employed in the construction of the St. Lawrence development, but the number who would be indirectly and permanently employed might amount to several times 100,000,000.

The States of New York, Vermont, and New Hampshire alone have 130,000,000 farms and rural homes without electricity today. St. Lawrence power would remedy this situation.

We know that as soon as a source of low cost electric energy is available, hundreds of thousands of home owners and farmers in our Northeast country will purchase electric farm equipment and electric household appliances. It will require the employment of thousands to manufacture, to merchandise, and to transport those items to those who buy them.

It means that merchandise and farm crops can be produced at a lower cost, thus enabling more people to buy more, and furnish work for more persons to produce.

It means that every port on the Great Lakes will become a seaport with its share of foreign commerce, both exports and imports. It means additional employment of men and women to handle this commerce.

In short, it means a great new addition to our national economy. It means a great new expansion to the national economy of the best customer and best neighbor we have, namely, the Dominion of Canada.

Our national integrity demands that we keep faith with Canada. Is not her friendship as sacred to us as the friendship of any other nation?

Why do we delay? Why do we let those self-centered interests who can see only their own small part in this great world, block the expansion of business for all of us, and prevent the carrying out of our agreement with Canada?

I have been asked, Mr. President, why a bill approving the St. Lawrence development has not yet been introduced. Many persons have registered impatience over the delay.

There are several reasons why it has seemed best not to introduce the St. Lawrence bill until after other international agreements and treaties were disposed of. I fully expected these agreements to be acted upon long before this, and had announced that I would join with the senior Senator from New York and others in introducing a St. Lawrence bill before the Senate recessed for the summer months.

I have recently conferred with several of my colleagues who are earnestly supporting the Great Lakes-St. Lawrence development. It is the consensus of opinion that there is nothing to gain, and possibly much to lose through introducing such a bill in the closing hours of the long arduous days before we start the summer vacation.

Therefore, I have deferred to the opinion of those whose legislative experience is greater than my own and will withhold the introduction of a bill until we return in the fall.

In the meantime I will say that although the strength of the proponents of the St. Lawrence seaway seems to be steadily growing both in and out of the Congress, yet we must take nothing for granted.

We face a bitter fight, with powerful opposition. That opposition is even now spreading its poison propaganda all over this country. Its field agents have been working for months; its lobbyists have been swarming Capitol Hill.

Even though the future welfare and safety of our country demands that this work be completed at the earliest possible date, it will take the combined efforts of all of us to win the victory.

We must put aside all partisan politics, all petty jealousies, all desire for personal prestige, and work together for our country.

In closing, I wish to compliment the State Department for the outstanding success it has achieved in formulating a constructive international policy, and securing the approval of the Congress to all the treaties and agreements necessary to make that policy effective.

I sincerely hope that when the Congress reconvenes in October, the administration and the State Department will sponsor the approval of our agreement with Canada as earnestly and as successfully as they have done in connection with the other international treaties and agreements, in order that we may have a clean record and a clear conscience in the field of international cooperation.

Mr. BUTLER. Mr. President, will the Senator from Delaware yield to me for a moment?

Mr. TUNNELL. I yield.

Mr. BUTLER. Mr. President, I ask unanimous consent to have inserted in the RECORD at this point an editorial entitled "Flexible Government," appearing in today's issue of the Wall Street Journal. I make this request because I think the contents of the editorial are

appropriate to the subject under discussion.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

FLEXIBLE GOVERNMENT

A United Press correspondent in Germany has interviewed Gerhard Anschuetz, who, while professor at Heidelberg University, wrote the Weimar constitution under which operated the abortive German Republic. The burden of the interview was that Dr. Anschuetz admits he made a very serious error. The error was in making the constitution what our "liberals" would call flexible.

The constitution had a provision which allowed the president of the republic to assume all powers in event of an emergency. President Hindenburg did so and delegated the powers to Adolf Hitler. Results were almost immediate and numerous. Germany was "flexed" into an armed camp, the rest of the world was "flexed" into horrible war and Dr. Anschuetz was "flexed" into a concentration camp where he thought matters over for 10 years and decided that the framers of the American Constitution knew what they were doing with their checks and balances and limits on official powers.

Neither is Dr. Anschuetz the only one who has undergone some reorientation. Recently, some of our British allies have been heard to remark about the fact that so many of these silly looking American governmental devices seem to have at least one great virtue—they work.

But to get back to the German experiment and the unfortunate professor, it proves—if the thing still needs proof—that any governmental power which is granted will sooner or later be used. How it will be used no one can tell. So the only safe procedure is not to grant it; in fact if one wishes to be still safer, he will put down in black and white that it is specifically denied.

If one will go back over a period of as little as 10 years and document all the complaints that the American constitutional system was too rigid, that it was not adapted to modern conditions, that it was an instrument to insure inaction rather than action, one will find that those who made the complaints really wanted to do something that they suspected the people would not let them do after there was sufficient time to consider the matter. If one will further look at the record of a decade, he will find that the bickering and the bitterness arose, not from acts which followed the regular constitutional processes, but from those which were taken under extraordinary grants of powers which allowed the Executive to short circuit those processes.

It is a circumstance both ludicrous and tragic that in a world turned upside down by the ambitions of men given absolute power, we should hear a chorus of advice that the remedy for the ills is absolute power. A few in the chorus know what they are doing and saying. The great majority do not. Perhaps they will have to learn in the hard way, as Dr. Anschuetz did.

Mr. CONNALLY and Mr. MORSE addressed the Chair.

The PRESIDENT pro tempore. Does the Senator from Delaware yield, and if so to whom?

Mr. TUNNELL. I have no objection to yielding provided I may keep the floor.

Mr. CONNALLY. I assume the Senator from Oregon desires to talk about something other than the Charter. I think I have a suspicion of what he is

going to talk about. I hope the Senator from Delaware will not yield to the Senator from Oregon unless it is stipulated that he is to speak only for 5 minutes or so, because we are interested in getting the Charter through the Senate; we have remained here until a late hour, and I do not care to remain and hear the Senator from Oregon expostulate on a couple of lambs out in Oregon. [Laughter.]

Mr. MORSE. May I make a comment regarding the remarks of the senior Senator from Texas?

Mr. CONNALLY. I do not have the floor.

The PRESIDENT pro tempore. The Senator from Delaware has the floor.

Mr. TUNNELL. I have no objection to yielding for 5 minutes, provided I have unanimous consent that I retain the floor.

Mr. MORSE. I wish to say to the Senator from Delaware that my respect for his learning and judgment is so great that I should be delighted to remain here for several hours to hear him discuss the Charter, if he cares to do so, but if it is his desire to have the same permission given to him to take the floor now and retain it during the night's recess as was given last night to the Senator from Vermont, that is perfectly acceptable to me. There is nothing I could do about it, anyway, although I should like to hear the Senator tonight. But I should like to say to the Senator that I desire to take a few minutes; now—I think it is not particularly fair to limit me to 5 minutes on a matter of so great import as that I shall discuss, namely, the food crisis in America. It may take me a few minutes, I do not know how long, I do not think it will be too long, perhaps 10 or 15 minutes, to discuss the latest developments in this food crisis. I should like to ask unanimous consent that I be allowed, under the long-established practice of free speech which has prevailed in the Senate of the United States, to take the time, with the understanding that the Senator from Delaware will not lose the floor thereby, but will have it at the beginning of the session tomorrow.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from Oregon?

Mr. CONNALLY. I object to any consent being granted for more than 5 minutes on a subject alien to the discussion of the Charter. I ask the Senator from Delaware to yield to me.

Mr. TUNNELL. I yield.

Mr. CONNALLY. I desire to make a motion that the Senate stand in recess. If the Senator from Oregon wants me to withhold that for 5 minutes, I shall not insist. Otherwise, I shall move a recess.

Mr. MORSE. It is perfectly obvious that if the Senator from Texas takes that position, under the rules, I must acquiesce, but I hope the country will take note of the fact that the Senate of the United States seeks to impose upon me a throttling rule, when I want time to put into the RECORD the latest information which has been made available to me. High officials of the Government this afternoon said they hoped I would

put the evidence I have before me and my explanation of it into the RECORD, because it should be of assistance in solving the Oregon lamb problem.

Mr. CONNALLY. The Senator may put a wagonload of material in the RECORD in 5 minutes, but I do not propose to remain here to hear discussion on a matter alien to the pending business.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from Oregon?

Mr. CONNALLY. I made a motion to recess.

The PRESIDENT pro tempore. Does the Senator from Delaware yield to the Senator from Oregon to make a unanimous-consent request that he may have 5 minutes at this time?

Mr. MORSE. Mr. President, I think the Chair should put the motion of the Senator from Texas. I should like to know whether the Senate of the United States wants to deny me the right to put into the RECORD and explain such evidence which I think is of vital concern to every consumer in America in regard to the food crisis. If the Senator from Texas wants to block me on that point, let us have the motion put, and see whether or not the Senators present want to recess under those circumstances.

The PRESIDENT pro tempore. The question is on the motion of the Senator from Texas that the Senate take a recess until 11 o'clock tomorrow morning. [Putting the question.] The Chair is in doubt. Those in favor of the motion will stand and be counted.

Mr. CONNALLY. Anyone who wants to remain and hear the Senator from Oregon is welcome to stay.

The PRESIDENT pro tempore. The motion is rejected.

Mr. CONNALLY. Very well, Mr. President. The Senator from Delaware has the floor.

The PRESIDENT pro tempore. The Senator from Delaware has the floor.

Mr. TUNNELL. Mr. President, I yield to the Senator from Oregon for 5 minutes. That was my understanding at the start, and I do not feel like remaining here 15 minutes.

Mr. MORSE. If the Senator wants to allow me only 5 minutes, I shall accept. I have no other choice.

The PRESIDENT pro tempore. Without objection, the Senator from Oregon will be heard for 5 minutes, on condition that the Senator from Delaware does not lose the floor.

Mr. HICKENLOOPER. Mr. President, a parliamentary inquiry.

The PRESIDENT pro tempore. The Senator will state it.

Mr. HICKENLOOPER. This is a rather strange procedure to me. I am somewhat mystified by it. I wonder if the custom of the Senate has been that one Senator may obtain the floor prior to adjournment and hold command of the floor overnight. May I ask, is that a customary procedure in the parliamentary conduct of the Senate?

The PRESIDENT pro tempore. It has been done. The Senator from Oregon has the floor, and is recognized for

5 minutes, under the unanimous-consent agreement.

THE OREGON LAMB PROBLEM

Mr. MORSE. Mr. President, does my time start running now?

The PRESIDENT pro tempore. It does.

Mr. MORSE. Mr. President, because of the limitation of time, I shall ask unanimous consent to have printed in the RECORD a telegram I received today from Mr. E. L. Peterson, Director of the Department of Agriculture of the State of Oregon, bearing on the Oregon lamb problem. He is recognized by the Secretary of Agriculture as an authority on this problem.

There being no objection, the telegram was ordered to be printed in the RECORD, as follows:

SALEM, OREG., July 26, 1945.

Hon. GUY CORDON,

Senate Office Building:

Market so far on grades of lamb which are point free is good to strong. Two top grades remaining close to previously established top but still selling below value reflected by dressed carcass ceiling. Retailers report being unable to acquire point free lamb without buying half of each order of two top grades. Two local grocers advised me Monday they were unable to find any outlet for good and choice lambs. Most small growers rely on local market and do not ship to Portland. In addition such shipment somewhat difficult on account transportation; these growers badly handicapped by point values on upper grades. Generally market not what it should be, although point removal on under grades of marked benefit. Am leaving today for Coos and Douglas Counties to check condition in field. Still believe OPA action places premium on under grades and others should be made point free until mid September at least. Will advise fully next Tuesday. Appreciate your good work along with that of Senator Morse. Regards to you both.

E. L. PETERSON,

Director of Agriculture, OPA.

Mr. MORSE. Mr. President, in essence the telegram points out that the order of OPA lifting the ration points on Utility and Commercial lambs and keeping the ration points on Good and Choice lambs not only is not solving the problem, but is enhancing the seriousness of the lamb-marketing crisis in my State.

Mr. President, second, I ask unanimous consent to have inserted in the RECORD a telegram from Mr. Herb Grey, president of the Jackson County Chamber of Commerce, of Medford, Oreg., pointing out that out of 300 lambs that were dressed in Medford yesterday, only two, Mr. President—only two—met the Utility and Commercial grade. Two hundred and ninety-eight were Choice and Good.

In other words, it illustrates the fact that a large proportion of these soft lambs are Choice and Good, and therefore the remedy offered by OPA is no remedy at all. The result will be further wastage of meat and loss to the farmers of Oregon.

There being no objection, the telegram was ordered to be printed in the RECORD, as follows:

MEDFORD, OREG., July 26, 1945.

Senator MORSE,

Washington, D. C.:

Ruling point-free lambs no relief to sheep growers and disappointing to consumers here.

Of 300 lambs just dressed by Medford Meat Co., only 2 graded point free. Unless ruling more liberal, effort to dispose of large surplus soft lambs mere gesture. Southern Oregon sheepmen generally shear lambs before selling. Ceiling prices do not enable slaughterer to come out even on lower grades if market price paid and pelts sold at sheared price. Urge your early review and modification of order to permit marketing of surplus.

HERB GREY,

President, Jackson County Chamber of Commerce.

Mr. MORSE. Mr. President, I ask unanimous consent to have inserted in the RECORD another telegram, from R. W. Clarke, of Salem, Oreg., pointing out that he attempted yesterday to move 100 lambs and was unable to obtain a market because of OPA bungling in regard to this problem.

There being no objection, the telegram was ordered to be printed in the RECORD, as follows:

SALEM, OREG., July 26, 1945.

Senator WAYNE MORSE,

Washington, D. C.:

Attempted to move 100 lambs to market this morning. Slaughtering quotas prevented custom butchering for me of point-free lamb. Same butcher cannot purchase them as he cannot get quota permit. Portland OPA office state I can only have 400-pound quota to dispose of lambs dressed. Have dressed lambs sold but unable to slaughter. Large buyers only buying grades higher than Commercial while public want point-free lamb but unable to get and we farmers are defeated from getting it to them. Recommend lifting all slaughtering quotas for anyone on above lamb. Your fine efforts must not be defeated. Lamb situation due to their technicalities.

Sincerely,

R. W. CLARKE.

Mr. MORSE. Mr. President, I ask unanimous consent to have printed in the RECORD a telegram from Mr. William E. Russell, general chairman Metropolitan Fair Rent Committee of New York. I wish the senior Senator from New York [Mr. WAGNER] were present, because the telegram supports my resolution now bottled up in the Committee on Banking and Currency, of which the senior Senator from New York is chairman. The telegram urges that the resolution be passed. I say it must be passed if the American people are to be protected from OPA's gross maladministration.

There being no objection, the telegram was ordered to be printed in the RECORD as follows:

NEW YORK, N. Y., July 26, 1945.

Senator WAYNE MORSE, of Oregon,

Senate Office Building:

Speaking on behalf of the 250,000 residential rental property owners of the New York City defense rental area, we urge the approval of Senate resolution calling for a committee to study OPA activities. We ask for such a committee in appearing before Senate Banking and Currency Committee on March 14 as an effective means of correcting existing abuses and of insuring that OPA's administrative procedure and acts are proper and conform to congressional intent. We would appreciate your presenting this telegram to that committee.

WILLIAM E. RUSSELL,

General Chairman, Metropolitan Fair Rent Committee, New York, N. Y.

Mr. MORSE. Mr. President, I ask unanimous consent to have inserted in the RECORD an article which appeared in the Oregon Farmer Union. The article is written by Mr. Libby, an officer of the union. Senators will recall that at the time we considered the appropriation bill dealing with OPA, the Farmer Union was one of the organizations that did not want OPA touched, but apparently some of its officers are beginning to learn about OPA's abuses. It is a devastatingly critical article in which this officer of the Farmer Union charges OPA manipulation in the handling of the food supply of this country.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

LIBBY CHARGES OPA "MANIPULATION"; ASSAILS FOOD PROBLEM HANDLING—STATE OFFICER RAPS EFFORT TO EXTEND MONOPOLY CONTROL OVER FOOD PRODUCTS

Charges that federally inspected packing plants in Oregon, largely controlled by big packers, were indulging in "slow-down" tactics, and that the OPA was subject to manipulation by big packer influences were made at a meeting of the Marion County Farmers Union at Salem July 7. These allegations were hurled at the OPA by Harley Libby, State board member, who reported that he had been conferring with OPA officials in Portland in an effort to get their viewpoint on the present alarming meat shortage.

Gus Schlicker, reporting for the marketing committee, asked that a telegram be sent to President James G. Patton of the National Farmers Union asking him to use his influence at Washington to permit the slaughter of fat lambs in order to avoid a repetition of last year's fiasco when Oregon farmers suffered big losses by reason of their inability to market lambs when they were ready.

"There are 7 federally inspected plants in Oregon," he said, "and 300 others. The only thing that will help this lamb situation is the removal of ration points on lamb in this area."

GENTLEMEN'S AGREEMENT IGNORED

Libby, reviewing the whole situation, recalled the gentlemen's agreement made last year with OPA Administrator Chester Bowles that lamb points would be removed this year if that became necessary to move Oregon's "soft" lambs which do not stand shipment and must be consumed locally or in the California market. Efforts to secure removal of lamb points so far have proven unavailing.

"I don't believe that federally inspected plants are doing their full job," said Libby. There is manipulation all along the line. The little businessman and small farmer has consistently taken a cleaning from OPA. It has been said by some that all of those foolish regulations indicate lack of brains in the OPA. But that isn't the trouble. There is too much brains. That confusion doesn't exist among intelligent men without a reason. The big packers have loaned their experts to the OPA at \$1 a year and naturally the regulations are written from their standpoint.

SMALL PACKERS MADE MISTAKE

"I think the small packers which have been closing in protest against these latest OPA regulations played right into the hands of the packers. While they remained closed, the packers' salesmen were busy rounding up some new customers.

"I could name one man in the Portland office of the OPA who will not make one move that would be adverse to the interests of the big packers. I believe the country as a whole is better off as a result of the OPA price regulations. But there has been entirely too much manipulation in order to obtain control of essential food products and ex-

tend a monopoly grip on the Nation's breadbasket. They are striving constantly to eliminate the small operator."

John Dasch reported on the case of a Polk County farmer who had 35 lambs ready for market. When he sought permission of the OPA to slaughter them, he was told he could not do so without a quota and he would not be allowed a quota inasmuch as he had not had one a year ago. (He had had no lambs in 1944.)

MESSAGE TO PATTON

It was decided to send a message to President Patton outlining the specific OPA regulations affecting meat, poultry, and dairy products which are the cause of so much of the present confusion. President Wendell Barnett appointed a committee consisting of Messrs. Schlicker, Davis, Libby, and Ahrens to serve on a committee to draft this message.

Mr. MORSE. Mr. President, as I said the other day, if anyone thinks I like to stand up here day after day and continually plead for a protection of the food supply of this country, he is mistaken. Yet I know of no domestic issue more vital to the security of our Nation than the protection of our food supply. It is not being protected by Mr. Chester Bowles. If Mr. Chester Bowles would pay more attention to the problems of OPA and less to his well-known endeavors to become Governor of the State of Connecticut I think we might have a more efficient administration of OPA.

I happen to be one, Mr. President, who is such a firm believer that unanswerable facts will prevail, that I intend to continue to put into the RECORD for use by the officials of Government an accumulation of evidence which unquestionably supports one conclusion, Mr. President, and that is that OPA, by the order it issued last Saturday, is solely responsible for the continued wastage of meat in the State of Oregon. I do not think either OPA or this administration, from the President down, can justify that wastage of meat to any American consumer.

I do not know how long it is going to take me to win this battle or in what form final victory will take. I do know that a very powerful Democrat from the State of Oregon called me today, and he said, "Wayne, if you continue to hammer on the failure of the Democratic Party to solve this problem in Oregon there will be no Democratic Party left in Oregon." He sees the problem and told me I am absolutely right. He said that his party should be fair enough to recognize it. He recognizes that there is no case that can be made out by this administration for the great malfeasance of OPA in regard to the handling of the Oregon lamb problem.

Mr. President, the solution is a very simple one. And it can be solved in 5 minutes by Mr. Chester Bowles. All Mr. Chester Bowles has to do is to amend the order of last Saturday providing that ration points shall be lifted on all soft lambs as recommended by the Secretary of Agriculture last Friday. You recall that the Secretary of Agriculture, in his telephonic communication to my colleague the senior Senator from Oregon [Mr. CORDON], authorized Senator CORDON to announce on the part of the Secretary of Agriculture that he had recommended to OPA the lifting of ration

points on all—a-l-l—all soft lambs. The Senators from Oregon took the Secretary of Agriculture at his word. We now expect him to keep that word and demonstrate that he has done all he can to get OPA to carry out his recommendation. That recommendation last Friday did not exempt choice and good lambs. I call upon the Secretary of Agriculture to now back up his recommendation and not back down on it.

Mr. President, my 5 minutes are up. I ask OPA to carry out the recommendation which the Secretary of Agriculture made last Friday.

EXECUTIVE REPORTS OF COMMITTEES

The following favorable reports of nominations were submitted:

By Mr. CONNALLY, from the Committee on Foreign Relations:

Edwin F. Stanton, of California, now a foreign-service officer of class 2 and a secretary in the diplomatic service, to be also a consul general; and

George Gregg Fuller, of California, now a foreign-service officer of class 4 and a secretary in the diplomatic service, to be also a consul general.

By Mr. GEORGE, from the Committee on Finance:

Farrell D. Coyle, of Apponaug, R. I., to be collector of internal revenue for the district of Rhode Island, to fill an existing vacancy.

By Mr. McCARRAN, from the Committee on the Judiciary:

Theron Lamar Caudle, of North Carolina, to be an Assistant Attorney General, vice Tom C. Clark, resigned;

Harold William Judson, of California, to be Assistant Solicitor General of the United States, vice Hugh B. Cox, resigned; and

Alphonse Roy, of New Hampshire, to be United States marshal for the district of New Hampshire, vice John M. Guay, term expired.

By Mr. MCKELLAR, from the Committee on Post Offices and Post Roads:

Sundry postmasters.

RECESS

Mr. CONNALLY. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Delaware yield to the Senator from Texas?

Mr. TUNNELL. I yield.

Mr. CONNALLY. With the hope that I will be received more cordially by the Senate than I was a little while ago, Mr. President, I now move that the Senate take a recess until 11 o'clock a. m. tomorrow.

The motion was agreed to; and (at 5 o'clock and 45 minutes p. m.) the Senate took a recess until tomorrow, Friday, July 27, 1945, at 11 o'clock a. m.

SENATE

FRIDAY, JULY 27, 1945

(Legislative day of Monday, July 9, 1945)

The Senate met in executive session at 11 o'clock a. m., on the expiration of the recess.

The Chaplain, Rev. Frederick Brown Harris, D. D., offered the following prayer:

Almighty God, our Father, Thy love alone is the flame by which we kindle the altar fires of our conquering hopes. Make us ever mindful that upon the free soil of this continent our fathers with

holy toil reared a house of faith hallowed by Thy name. Make us so to believe in America that we shall covet for the whole earth its emancipating truth and light. Launching a great spiritual venture, may our faith master our fears as we join men of good will in creating new instruments of global order. Forbid that we should succeed in putting the foes of our common humanity in chains and yet fail to confess and to curb the besetting sins which lay waste our own lives.

In this solemn hour as the despairing and sorely wounded world waits for the voice of this land of our hope and prayer—

"O God of earth and altar,
Bow down and hear our cry,
Our earthly rulers falter,
Our people drift and die.

"The walls of gold entomb us,
The swords of scorn divide;
Take not Thy thunder from us,
But take away our pride."

In the Redeemer's name. Amen.

THE JOURNAL

On request of Mr. HILL, and by unanimous consent, the reading of the Journal of the proceedings of the calendar day Thursday, July 26, 1945, was dispensed with, and the Journal was approved.

LEGISLATIVE BUSINESS

By unanimous consent, as in legislative session, the following business was transacted:

UNITED NATIONS CHARTER—PETITION

Mr. CAPPER. Mr. President, I ask unanimous consent to present for appropriate reference and to have printed in the RECORD in connection with the proceedings on the adoption of the United Nations Charter, a petition, without the signatures attached, I have received from citizens of Wichita, Kans., appealing to the Senate to approve the Charter.

There being no objection, the petition presented by Mr. CAPPER was received, ordered to lie on the table, and to be printed in the RECORD without the signatures attached, as follows:

FAIRVIEW CHRISTIAN CHURCH,
Wichita, Kans., June 22, 1945.

Senator ARTHUR CAPPER,
Senate Chamber, Washington, D. C.

DEAR SENATOR CAPPER: It is the conviction of the undersigned that the adoption of the Charter of the United Nations by the United States will contribute effectively toward insuring a just and enduring peace among the peoples and nations of the world.

CREATION OF BUREAU IN AGRICULTURE DEPARTMENT FOR WORK IN AGRICULTURAL STATISTICS

Mr. CAPPER. Mr. President, I ask unanimous consent to present for appropriate reference, and to have printed in the RECORD, a resolution adopted by the North Central Association of State Commissioners, Directors, and Secretaries of Agriculture at Topeka, Kans., on July 23, requesting the Secretary of Agriculture to create a separate bureau for the work in agricultural statistics. I heartily commend the suggestion.